

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,) 14-CR-00050-1-AB
)
 vs.)
)
JUCONTEE THOMAS WOEWIYU,)
a/k/a JUCONTEE THOMAS SMITH,) Philadelphia, PA
) June 25, 2018
 Defendant.) 9:39 a.m.

TRANSCRIPT OF TRIAL
BEFORE THE HONORABLE ANITA B. BRODY AND JURY
UNITED STATES DISTRICT JUDGE

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1 (The following was heard in open court at 9:39 a.m.)

2 MR. WILSON: (audio begins) -- it was indicated there
3 was advance notice that we were going to be objecting to the
4 entry of JJ-7 into evidence. We would agree that the
5 Government can present --

6 THE COURT: You never sent him a copy?

7 MR. WILSON: Yes, we did.

8 MR. WRIGHT: It came to me as a motion?

9 MR. WILSON: It doesn't say motion. It was an email.
10 I copied you and --

11 MR. WRIGHT: And Nelson?

12 MR. WILSON: -- Nelson on the email.

13 THE COURT: Where's Mr. -- where's Nelson?

14 MR. WRIGHT: He's out talking to a witness. He
15 should be in. Here he is, Your Honor.

16 THE COURT: Welcome.

17 MR. WRIGHT: JJ-7.

18 MR. THAYER: Good morning, Your Honor. I apologize.

19 MR. WILSON: JJ-7 is the decision of the USCIS.

20 MR. WRIGHT: Oh, right, no, no, no. He did send --

21 THE COURT: And you know about that.

22 MR. WRIGHT: Yeah. He did send us a -- he did send
23 us an email, that's correct. My apologies. I thought --

24 MR. WILSON: I think the only reason I sent it, Your
25 Honor, --

1 THE COURT: I'm sure that, you know, I -- you know,
2 the two of you are very grown up.

3 (Laughter)

4 MR. WILSON: The -- I just sent it, Your Honor,
5 because it is 11 pages long and I wanted Your Honor to have a
6 chance to review it before today.

7 THE COURT: No, I did read it.

8 MR. WILSON: Yeah.

9 THE COURT: Okay. You're fortunate that I read
10 papers. But anyway -- so what's your position on that?

11 MR. THAYER: Your Honor, the Government's position is
12 that this is evidence that goes directly to the materiality
13 element.

14 THE COURT: Well, it's not expert testimony. This is
15 testimony of what she did, isn't it?

16 MR. THAYER: Exactly, Your Honor. There's almost no
17 more probative evidence of -- of how material this information
18 is, that the defendant sought to conceal from the Immigration
19 authorities and that which it based its decision-making on.

20 THE COURT: I don't see any problem with that,
21 frankly. I agree with --

22 MR. WILSON: Well, Your Honor, 704(b) specifically in
23 criminal cases specifically includes the opinion of others on
24 the ultimate issue of -- that the jury has to --

25 THE COURT: But this is not on the ultimate -- this

1 isn't the ultimate issue.

2 MR. WILSON: Well, it is the ultimate issue. It's --

3 THE COURT: It's the materiality of what they did and
4 why they did it. Now, I don't know whether -- when is she
5 going to testify?

6 MR. THAYER: Probably tomorrow, Your Honor.

7 THE COURT: Okay. So we have some time to -- I'm not
8 sure I'm going to let everything in. So the question is what
9 I'm going --

10 MR. WILSON: Your Honor, may I propose what we would
11 agree to?

12 THE COURT: Well, --

13 MR. WILSON: And that's that they -- they reviewed
14 everything and they determined -- they made a decision that he
15 was not morally fit to obtain citizenship and they issued that
16 determination on August 10th of -- August 12th of 2010. And --

17 THE COURT: That's reasonable. What's --

18 MR. THAYER: Your Honor, that --

19 THE COURT: That's --

20 MR. THAYER: That, of course, cuts out all of the
21 actual probative evidence that would be important for the jury
22 to understand in the specific context of, for example, use of
23 child soldiers, which USCIS found important to know in terms of
24 making their decision.

25 Now, at the end of the day, Your Honor, whatever

1 concern the defense has about Ms. Lin's decision can be cured
2 with a simple instruction from the Court that simply because
3 USCIS made a determination, that doesn't bind the jury one whit
4 in terms of making its determination, which is a completely
5 separate one in a separate criminal context than from one in
6 the Immigration context. And that -- that I think can take
7 care of --

8 THE COURT: Well, I -- I think -- basically I agree
9 with you, it goes to materiality. There's no question about
10 that. And the question becomes whether or not the information
11 that was withheld is -- was material and why they found it
12 material.

13 Some of this stuff is -- I think is overly -- what
14 would you call it -- overly prejudicial. So I think the two of
15 you ought to get together. You're not going to have this until
16 tomorrow. I just got this this morning.

17 MR. WILSON: Right.

18 THE COURT: I -- I want to see whether -- I want to
19 see whether I can tailor it myself, and I'm asking the two of
20 you to think about whether you can tailor it.

21 MR. WILSON: Your Honor --

22 THE COURT: Okay? That's where we are.

23 MR. WRIGHT: Your Honor, in light of that, we do have
24 the witness that precedes Ms. Lin, who is almost our last
25 witness. Our last witness may be Ms. -- Special Agent Lohmeier

1 on just an issue relating to maps, that sort of thing. But --

2 THE COURT: You're not really relying on that, are
3 you?

4 MR. WRIGHT: We'll see. But if we don't put on
5 Special Agent Lohmeier, Ms. Lin will be our last witness. And
6 if we end early today, because we have the witness who preceded
7 her today, who was another Immigration officer --

8 THE COURT: I'll try and do this over lunch, if
9 that's helpful.

10 MR. WRIGHT: Well, we could end with her today and
11 then we'll just pick up tomorrow with our last witness and rest
12 tomorrow.

13 THE COURT: Well, why don't you rest today?

14 MR. WRIGHT: Well, it depends on whether Ms. Lin is
15 -- we have Ms. Lin coming in tomorrow morning, and so we're
16 hopeful that we can put her on tomorrow morning and then we'll
17 be finished tomorrow.

18 THE COURT: Okay. That's certainly within my
19 constraints on you.

20 MR. WRIGHT: Yes, Your Honor.

21 THE COURT: Although I think that my constraints
22 maybe taste better to you now (inaudible).

23 MR. WRIGHT: I gotcha, Your Honor.

24 THE COURT: Right?

25 MR. WRIGHT: Yes, Your Honor. If Your Honor pleases,

1 I just want to let the Court know the procedure that we've
2 agreed upon.

3 Counsel has advised me that the next series of
4 documents that we plan on introducing, which include ancient
5 documents, --

6 THE COURT: All right.

7 MR. WRIGHT: -- and they are transcripts from -- from
8 broadcasts --

9 THE COURT: Yeah, I've ruled on that.

10 MR. WRIGHT: Right. And then some other documents
11 that concern Mr. Woewiyu, that they are admissible. They're
12 authenticate and they are admissible. And what we'll do is,
13 we'll just have not a dramatic reading, but a reading from
14 Special Agent Lohmeier. It could take an hour, hour and a half
15 to read them all. And then -- probably an hour and a half to
16 read them all.

17 THE COURT: This morning?

18 MR. WRIGHT: This morning. And so we'll swear --
19 we'll put her on the stand and then we'll move all those
20 documents in and then she'll start --

21 THE COURT: And then you're finished for today?

22 MR. WRIGHT: No, no, no, no, no, no, no. Then we
23 have some more evidence. This -- we have some more evidence,
24 Your Honor. We're not finished for the day, no, Your Honor.

25 THE COURT: Okay. Because I mean that's much.

1 MR. WRIGHT: No, we have -- we have -- we have more
2 evidence, Your Honor.

3 THE COURT: Oh, okay. Because if you don't have a
4 witness --

5 MR. WRIGHT: No, we have witnesses.

6 THE COURT: Okay.

7 MR. WRIGHT: We have witnesses, Your Honor. And --
8 and some audiovisual, Your Honor.

9 THE COURT: Okay.

10 MR. WRIGHT: That counsel's aware of --

11 THE COURT: All right. We'll do that. All right.

12 MR. WRIGHT: -- aware of and familiar with.

13 THE COURT: All right. Okay. So -- did you want to
14 speak with me about something?

15 MR. WRIGHT: No, just that, Your Honor. Just to
16 advise the Court, with the Court's permission, we're going to
17 proceed this morning.

18 THE COURT: And then do you think tomorrow morning --
19 tomorrow afternoon, if there is a defense, then you're going to
20 have to think about --

21 MR. WILSON: Yes, Your Honor.

22 THE COURT: -- about whether or not there's going to
23 be any defense tomorrow.

24 MR. WILSON: I'm going to start emailing people right
25 now.

1 THE COURT: What?

2 MR. WILSON: I'm going to start emailing people right
3 now because we had told them probably Wednesday.

4 THE COURT: Okay. All right. Or Thursday.

5 MR. WRIGHT: Your Honor, we will be making a motion
6 tonight -- we will be making a motion tonight in relationship
7 to one of their witnesses. We got notification of this
8 witness' -- of this witness at 6:09 p.m. yesterday, which is
9 fine, but we think for various reasons --

10 THE COURT: Are we going to use the --

11 MR. WRIGHT: -- this witness should -- should be
12 precluded. And this is one of the defense witnesses. And so
13 we won't be able to file the motion till tonight because we
14 just got it last night.

15 THE COURT: Well, you can tell it to me orally.

16 MR. WRIGHT: Well, no, we'd rather put something in
17 writing, Your Honor.

18 MR. WILSON: Your Honor, it's the expert, Steve
19 Brittan (phonetic), --

20 MR. WRIGHT: We'd rather put something in writing.

21 MR. WILSON: -- who we intend to call as an expert on
22 the citizenship application process. And Steve Brittan's
23 familiar to everybody here. It's --

24 THE COURT: Not me.

25 MR. WILSON: Your Honor, he was a --

1 THE COURT: I'm sometimes important.

2 MR. WILSON: He was a U.S. Attorney -- or Assistant
3 U.S. Attorney in this district for a while, and he's been in
4 private practice for several years now and he does criminal
5 work, federal criminal work, but he -- but he also does -- a
6 significant part of his practice is immigration practice. And
7 he's been involved with the -- with clients who have applied
8 for citizenship.

9 THE COURT: And does he have -- does he have an
10 expert report?

11 MR. WILSON: There is no report, Your Honor.

12 THE COURT: Well, how can you call --

13 MR. WILSON: His testimony will be relatively brief.
14 I sent a summary --

15 THE COURT: Well, that's not relevant. The question
16 is whether or not he has a report. How can you present an
17 expert witness without a report? I mean I don't know.
18 Nobody's ever done that.

19 MR. WILSON: Well, Your Honor, the --

20 MR. WRIGHT: We object, Your Honor, and we -- we are
21 writing it up. We are writing it up this morning and --

22 THE COURT: Well, you better think about whether you
23 want to get yourself an expert witness.

24 MR. WRIGHT: We'll -- we'll write it up.

25 THE COURT: Okay. All right. Okay. Then I have a

1 few legal things to decide, so he may not start until Wednesday
2 afternoon or Thursday morning.

3 Okay. That sounds good. All right. The jury will
4 be very happy to hear that. Okay. I'll -- I'll come back in
5 and you'll -- you'll begin again.

6 MR. WRIGHT: Yes, Your Honor.

7 THE COURT: All right.

8 MR. WRIGHT: We'll move these documents into evidence
9 and then we'll call Special Agent Lohmeier.

10 THE COURT: Thank you. We'll have somebody new.

11 (Off the record)

12 COURTROOM DEPUTY: All rise. This court is now in
13 session. The Honorable Anita B. Brody residing. Good morning,
14 Your Honor.

15 THE COURT: Good morning, members of the jury. Good
16 morning, counsel, parties. Please be seated.

17 Okay. All right. Mr. Wright?

18 MR. WRIGHT: If I may, Your Honor. Your Honor, the
19 parties have conferred and agreed that certain documents are
20 admissible. What we'd like to do, with the Court's permission,
21 is move these documents into admission and then have a reading
22 of them, which will take roughly not longer than two hours, so
23 I think an hour to an hour and a half.

24 THE COURT: Okay. You have no problem, do you?

25 MR. WILSON: No, Your Honor.

1 THE COURT: Okay. Special Agent Lohmeier will read
2 them.

3 The Government moves to have admitted into evidence
4 Government Exhibits I-8, I-9, I-16 --

5 THE COURT: One second. I-8, I --

6 MR. WRIGHT: Nine.

7 THE COURT: -- nine, yes.

8 MR. WRIGHT: I-16.

9 THE COURT: Mm-hmm.

10 MR. WRIGHT: I-21, I-29, KK-4, I-35, I-36. And now
11 we're going to go backwards a little bit in order, Your Honor.

12 I-1, I-2, I-3, I-4 -- and I-4, Your Honor.

13 THE COURT: And I-4.

14 MR. WRIGHT: Yes, Your Honor.

15 THE COURT: All right. One, two, three and four.

16 MR. WRIGHT: Yes, Your Honor.

17 THE COURT: Okay. Well, it's KK -- it's 1, 2, 3 --
18 it's I-1, 2 and 3, and then it's KK-4, Your Honor.

19 THE COURT: Oh, KK-4.

20 MR. WRIGHT: Yes, Your Honor.

21 THE COURT: All right.

22 MR. WRIGHT: The Government calls Special Agent
23 Jennifer Lohmeier.

24 THE COURT: She's just going to help you read it, is
25 that --

1 MR. WRIGHT: She's just going to read, Your Honor.

2 THE COURT: Okay.

3 MR. WRIGHT: And she can do it from the witness
4 stand, I guess, with the microphone?

5 THE COURT: Yes, of course.

6 MR. WRIGHT: Thank you, Your Honor.

7 THE COURT: You understand that she's just reading as
8 a help to the Government, that's all. Will they have the
9 books?

10 MR. WRIGHT: They don't have books, Your Honor, but
11 each document should be on the computer and should appear on
12 their screens --

13 THE COURT: Okay.

14 MR. WRIGHT: -- while she's in fact reading.

15 THE COURT: All right. Okay?

16 MR. WRIGHT: Special Agent Lohmeier, will you begin
17 with Government Exhibit I -- I-8.

18 SPECIAL AGENT LOHMEIER: Yes, sir.

19 MR. WRIGHT: And hold on just one moment. We want to
20 make sure that it's up on the screen.

21 THE COURT: Is this the same I-8 as we had in the
22 book yesterday?

23 MR. WRIGHT: It may well be in there, Your Honor,
24 yes, but we did not play it because there was no tape related
25 to it. It's a --

1 THE COURT: Okay. Well, then they can have the books
2 and they can --

3 MR. WRIGHT: They can have the book, but not all --
4 not everything is in the book, so --

5 THE COURT: All right. So --

6 MR. WRIGHT: Some of them are in the book. These may
7 be --

8 THE COURT: Is it all right if we give out the books?
9 It's easier, I think.

10 MR. WRIGHT: Certainly, Your Honor. That's fine.

11 THE COURT: That will be easier to read than on the
12 screen.

13 MR. WRIGHT: Certainly, Your Honor.

14 (Pause)

15 THE COURT: Jim will do it. Thank you very much.

16 (Pause)

17 THE COURT: She does not have to be sworn in.

18 MR. WRIGHT: With the Court's permission, if Special
19 Agent Lohmeier may begin.

20 (Pause)

21 THE COURT: Okay. Which -- it's I -- I-8 first,
22 right, Mr. Wright?

23 MR. WRIGHT: Yes, Your Honor, I-8.

24 THE COURT: Okay. You may read.

25 SPECIAL AGENT LOHMEIER: Thank you, ma'am.

1 "Woewiyu discusses interim government, Taylor. From
2 the London BBC World Service in English, 17:09 GMT, 5 July
3 1990.

4 Text: "ECOWAS, Economic Community of West African
5 States ministers have been gathering in Sierra Leone today to
6 begin their mediation efforts in the Liberian Civil War between
7 Samuel Doe's government and Charles Taylor's Patriotic Front
8 rebels. But the Patriotic Front is anxious to refute
9 suggestions from diplomatic sources that Charles Taylor was
10 prepared to accept Doe's condition to resign if there was an
11 interim government not headed by Taylor.

12 "Patriotic Front spokesman, Tom Woewiyu, called us up
13 to talk about it and Robin White asked him if he could say
14 exactly what Charles Taylor's position was.

15 "Begin recording. Woewiyu: Yes, I know in fact that
16 Mr. Taylor did not tell any diplomatic source that he would
17 allow the formation of an interim government without his
18 leadership.

19 It is clear, and all the Liberian people know, that
20 at this particular time any interim government without Mr.
21 Taylor's leadership, Mr. Taylor, who is in control of the more
22 than 15,000 fighting people now in Liberia, without his control
23 will see nobody. No group of Liberians that will be able to
24 lead an interim government without further interruption of
25 Liberian lives. And so it is unrealistic and it is very

1 conniving and shameful for those diplomatic sources that are
2 trying to get Mr. Taylor out of control of this situation.

3 "Mr. White: But why? Does he not accept that it is
4 a responsible thing to do temporarily?

5 "Mr. Woewiyu: It is not a reasonable thing to do
6 because if Mr. Taylor is not in control of the situation in
7 Liberia, if he is not in control of the forces that have come
8 together to push this military machine into the ocean, we would
9 just be plunged into another chaos.

10 "Mr. White: As I understand it, this proposal has
11 come not just from Doe, but from the Americans and also from
12 ECOWAS.

13 "Mr. Woewiyu: Well, I think it comes more from the
14 Americans because we have seen a whole lot of resistance from
15 the American State Department, who have their own agenda.
16 Maybe they have somebody in mind that they should run the
17 country. The Liberians will have to do their own thing.

18 "It is sad, though, that ECOWAS and all African
19 leaderships had to wait till this time when Doe has killed all
20 of our people and he continues to be killing people. His
21 killer team is still on the streets of Monrovia beheading
22 people, and they are now sitting in Freetown with a proposal
23 that says an interim government should be formed without Mr.
24 Taylor. And there's only Mr. Taylor who has done something to
25 bring the cause of the Liberian people to this point, that we

1 will have a chance to reorganize our lives."

2 "Mr. White" --

3 MR. WRIGHT: If I may interrupt, Your Honor. I'll
4 just ask Special Agent Lohmeier not to put in the misters and
5 just to read it precisely as it is on the sheet, Your Honor.

6 THE COURT: Okay. Well, why don't you read White and
7 let her read --

8 MR. WRIGHT: I thought everyone would be tired of my
9 voice by now, Your Honor, but I --

10 THE COURT: Well, okay.

11 MR. WRIGHT: I will -- I will read Mr. White.

12 THE COURT: Maybe that would be easier than --

13 MR. WRIGHT: Yes, Your Honor. I will do that.

14 THE COURT: So you, Mr. -- Mr. Wright are White,
15 right?

16 MR. WRIGHT: I will be -- yes, Your Honor.

17 THE COURT: All right.

18 MR. WRIGHT: "White: Will it not be bad tactics on
19 your behalf, though, to confront not only the Americans, but
20 all of West Africa?"

21 SPECIAL AGENT LOHMEIER: "Well, it is not bad
22 tactics. It is just telling people the truth and telling them
23 exactly how you feel."

24 MR. WRIGHT: "And there are also -- and there are
25 also the talks in Freetown. I understand the representatives

1 of your movement will be going. Do you hold out any hopes that
2 anything is going to come out of this meeting then?"

3 SPECIAL AGENT LOHMEIER: "Well, I am told, and
4 obviously I hope that when there is a precondition that we
5 understand, that the ECOWAS propose and is behind the idea that
6 an interim government will be formed without the leadership of
7 Mr. Taylor, that is a very bad way to approach a negotiating
8 table with the mediators having a predetermined position. So I
9 hope they can get out of this predetermined position and we
10 approach the table with an openness, that all of us can discuss
11 which direction we want to go."

12 MR. WRIGHT: "Will these talks in Freetown go on?
13 Will you hold your fire?"

14 SPECIAL AGENT LOHMEIER: "No, absolutely not."

15 MR. WRIGHT: "That's Patriotic Front spokesman Tom
16 Woewiyu. And according to our correspondent in Freetown, the
17 ECOWAS meeting, they're still not underway. A number of ECOWAS
18 ministers have not turned up; neither has the delegation from
19 the Patriotic Front."

20 MR. WRIGHT: If we may go, Your Honor, to Government
21 Exhibit I-9.

22 THE COURT: You can start reading.

23 SPECIAL AGENT LOHMEIER: Okay.

24 "Woewiyu urges more U.S. pressure on Doe. London BBC
25 World Service in English, 22 GMT, 5 July 1990.

1 "From the News Hour Program: Things have been very
2 unstable and very tense in the West African State of Liberia
3 for many months now. There has been more fighting today, as
4 you have heard, and government soldiers have been looting shops
5 and businesses in the beleaguered capital of Monrovia.

6 "Twilight is gathering around the regime led by
7 President Samuel Doe. Most of his senior advisors have fled
8 the country, though the president it seems will not follow
9 them. Meanwhile, the rebels inch forward.

10 "Journalists trapped in the capital report lack of
11 food, lack of water, with only one Telex a day getting out of
12 Monrovia. But contact with Mr. Charles Taylor's headquarters,
13 the rebel headquarters, is even more sporadic. So we called
14 Mr. Tom Woewiyu, who has known Mr. Taylor for more than 20
15 years and acts as spokesman for him in Washington. Mr. Woewiyu
16 has spoken a few hours ago with rebel commanders in the field.
17 So I asked him what the news was from Liberia.

18 "I get the report that we are closing in on the
19 pressure point of the last enclave of the regime where Mr. Doe
20 is holed up in the mansion, and the few troops that he has with
21 him from what I understand are loose. Some of them have put
22 down their weapons and are busy looting."

23 MR. WRIGHT: "So you think it pretty well is near the
24 end now?"

25 SPECIAL AGENT LOHMEIER: "Yes, it is. And we can see

1 the sign of disorganization, even though we have always known
2 that there was not really an organized and civilized army; it
3 was just a group of people that Doe got together and he called
4 the Liberian Army.

5 "We hope to get hold of Doe himself because it is the
6 wish of all the Liberians that he can stand trial and answer
7 for the thousands that he killed, and also maybe give back all
8 the money that he has in all the foreign banks and which he
9 stole from our people."

10 MR. WRIGHT: "Do you expect that he will do some deal
11 with you now? Because we were surprised he did not accept
12 earlier offers of safe passage out of the country to bring the
13 war to an end sooner."

14 SPECIAL AGENT LOHMEIER: "The deal we are making with
15 him is that we will spare his life. We will see to it that no
16 harm comes to his life and that he stands trial. Let God be
17 the judge for what happens to his life."

18 MR. WRIGHT: "What sort of state do you expect to
19 capture Monrovia in when all this is over?"

20 SPECIAL AGENT LOHMEIER: "From the description I'm
21 getting, it is going to be in a very, very bad shape. I'm not
22 too sure where these soldiers, his people that are looting,
23 where they expect to carry this loot.

24 "I do now know, or maybe some of them have homes and
25 they are stacking them up with the stuff that they are looting,

1 and sooner or later they are going to pretend they were never
2 part of this thing and trying to sit on those loots. But there
3 is no way to get out of the city, so if people know what we
4 know, they should stop the looting, turn their guns down and
5 let us all join hands, forget about what has gone down and we
6 will build our country."

7 MR. WRIGHT: "Is there anybody helping
8 diplomatically? Is anyone in touch with President Doe? I
9 think obviously if the United States tried to persuade him to
10 call it a day."

11 SPECIAL AGENT LOHMEIER: "Yeah. The United States
12 tells us that they are in touch with him. I've expressed the
13 feeling that maybe the United States was not putting enough
14 pressure, if indeed they were. I think they are building a
15 position for a while to let Doe know the reality of the
16 situation and have him leave, but I understand that he seemed
17 not to have any idea of what the reality is and he seems to be
18 holding on. And the thing that bothers some of us is how some
19 of our fellow citizens are sacrificing their lives and fighting
20 on behalf of Doe, who is not worth fighting on behalf because
21 he is only thinking about himself."

22 MR. WRIGHT: "Does President Doe got a way out,
23 either helicopter or a plane or a speed boat? Do you think he
24 could get away if he wanted to?"

25 SPECIAL AGENT LOHMEIER: "I do not know. Maybe he

1 can. I see no way that he is going to get out of there. That
2 is why I'm suspecting he may already be in one of those
3 embassies that have the facilities to take him out without our
4 interference. But if he is still in the mansion, then you know
5 God will be the referee between him and us."

6 MR. WRIGHT: With the Court's permission, we'd like
7 to read Government Exhibit I-16.

8 SPECIAL AGENT LOHMEIER: "Woewiyu says U.S. supports
9 ECOWAS force. London BBC World Service in English, 7:30 GMT,
10 27 August 1990.

11 "From the Network Africa Program hosted by Jihanna
12 Allahli (phonetic). The peace-keeping troops of the Economic
13 Community of West African States (ECOWAS) have been
14 encountering some resistance in their attempt to consolidate
15 their hold on the area around the port of Monrovia where they
16 landed earlier. Meanwhile, as part of the ECOWAS peace package
17 agreed earlier this month, a meeting representing a broad
18 spectrum of Liberian interested parties will be held later
19 today in Bonjon. On the line from Bonjon, I asked our
20 correspondent Peter DaCosta about the purpose of today's
21 gathering."

22 MR. WRIGHT: "The idea is to get together all
23 interest groups, concerned citizens of Liberia, as well as a
24 broad spectrum of political parties to discuss the future of
25 the first interim government in Liberia. The idea is for

1 Liberian groups to sit down and come up with someone who they
2 consider impartial enough to head such an interim government,
3 and also to ponder over the constitution of a broad-based
4 administration that would run Liberia until such time as free
5 and fair elections will be held."

6 SPECIAL AGENT LOHMEIER: "But is it not a little bit
7 early for such a meeting" --

8 THE COURT: One second. Who is this that's speaking
9 now?

10 MR. WRIGHT: This is the -- this is DaCosta and
11 Allahli, and in fact this leads into what we will later on --

12 THE COURT: Well, we don't know who these -- I mean
13 who are these people? I mean we're having a lot of talk, but
14 we have no idea who's saying anything.

15 MR. WRIGHT: Well, if I may, Your Honor, I think that
16 they are -- that they're identified in the actual -- in the
17 actual document itself, Your Honor.

18 THE COURT: No, they're not. I don't see any. Do
19 you know who they are?

20 MR. WRIGHT: It's the correspondent -- it's --

21 THE COURT: But does the defense know who they are?

22 MR. WRIGHT: It's correspondent Peter DaCosta, who is
23 talking about the circumstances and puts into context Mr.
24 Woewiyu, who's coming up shortly in this recording.

25 THE COURT: Oh, I see. Mr. Allahli, I know who he

1 is. Okay.

2 MR. WRIGHT: Yes, Your Honor.

3 THE COURT: Okay. They're all reporters.

4 MR. WRIGHT: Yes, Your Honor.

5 THE COURT: All right. They're reporters. These
6 people are reporters. Okay.

7 MR. WRIGHT: And then it goes into Mr. Woewiyu --

8 THE COURT: Okay.

9 MR. WRIGHT: -- in a page or so.

10 THE COURT: That's Allahli. Oh, okay. I didn't know
11 who Mr. DaCosta was, but that's okay. A correspondent, Mr.
12 DaCosta. Okay. They're all correspondents. Okay. So that's
13 just their -- what they're -- this is --

14 MR. WRIGHT: Yes, Your Honor.

15 THE COURT: This is --

16 MR. WRIGHT: It puts this into context.

17 THE COURT: All right. Okay.

18 MR. WRIGHT: And I believe we're at, "But it is not a
19 little" --

20 THE COURT: Yes.

21 SPECIAL AGENT LOHMEIER: "But it is not a little bit
22 early for such a meeting when already there has been a report
23 of some differences between Prince Johnson and the ECOWAS
24 forces that have landed in Monrovia in a complete opposition
25 from Charles Taylor's movement on the presence of ECOWAS forces

1 in Monrovia."

2 THE COURT: One second. I think it would be easier
3 if you just read Mr. Woewiyu, --

4 SPECIAL AGENT LOHMEIER: Sure.

5 THE COURT: -- and you read all the correspondents.

6 MR. WRIGHT: Certainly, Your Honor.

7 THE COURT: And that was a correspondent, --

8 MR. WRIGHT: Okay.

9 THE COURT: -- but you can go on to DaCosta.

10 MR. WRIGHT: Okay.

11 "DaCosta: Well, the idea that seems to be very much
12 in people's minds at the moment is that Charles Taylor is being
13 overtaken by the peace process and he has sent some
14 representatives here earlier on last week to discuss with
15 ECOWAS -- with the ECOWAS diplomatic grouping the chance of
16 agreeing to a cease fire.

17 "Now, the other two parties in the conflict, Prince
18 Johnson and Samuel Doe, had already indicated that they would
19 be willing to sign a cease fire agreement and it was up to
20 Charles Taylor and the National Patriotic Front of Liberia to
21 endorse that cease fire.

22 Having all agreed in principle to a cease fire, the
23 National Patriotic Front then relied on the agreement and
24 decided that they wanted no part of anything that involved
25 ECOWAS and ECOWAS peace-keeping force. So ineffectively the

1 Patriotic Front is being marginalized in terms of the peace
2 process. That ends the recording."

3 And then it begins: "According to reports from
4 Banjul, Prince Johnson is expected to attend the meeting
5 despite the report of friction between himself and the ECOWAS
6 force. Problems arose when the ECOWAS force arrested on
7 Saturday, that's 25 August, 35 suspected individuals around the
8 Port of Monrovia whom Prince Johnson later identified as his
9 own men.

10 "He later had to bow to the force commander General
11 Kanu's (phonetic) request to reduce his presence around the
12 port to a token force of only 20 men. But the main resistance
13 to the ECOWAS force came from the rebel group willed to Charles
14 Taylor, whose National Patriotic Front of Liberia, the NPFL,
15 controls most of the country.

16 "The movement, which is vehemently opposed to the
17 ECOWAS intervention in the eight-month-old civil war, has
18 succeeded in infiltrating suburbs around the port and mounting
19 attacks against the ECOWAS troops. They claim to have killed
20 12 and wounded 50 soldiers.

21 "On the line to Amazon Ivory Coast, the NPFL's
22 defense spokesman Tom Woewiyu denied that the ECOWAS force was
23 in Liberia on a peace-keeping mission."

24 SPECIAL AGENT LOHMEIER: "What we have is not a
25 peace-keeping force. It was a group that was already committed

1 to getting into Liberia, getting into this war, and I believe
2 that they have the support of the United States.

3 "As you can see, all the logistical information
4 concerning what was happening inside Liberia was given to them
5 by the United States, and they are still being helped by the
6 United States to carry out this particular offensive against
7 our country."

8 MR. WRIGHT: "Meanwhile, the arrival of the" --

9 THE COURT: No, this -- is this --

10 MR. WRIGHT: Keeping --

11 THE COURT: Oh, that's -- that's Woewiyu, isn't it?

12 MR. WRIGHT: No.

13 MR. WILSON: It is not, Your Honor.

14 MR. WRIGHT: This is the last paragraph, Your Honor.

15 THE COURT: What? Okay.

16 MR. WRIGHT: "Meanwhile, the arrival of the peace-
17 keeping force has not only been welcome, but sought after by
18 civilians. Scared and hungry civilians, mostly women and
19 children, were reported to have received foods -- food from the
20 peace-keeping force."

21 THE COURT: Okay.

22 MR. WRIGHT: With the Court's permission, we would
23 like to read Government Exhibit I-21.

24 SPECIAL AGENT LOHMEIER: "Woewiyu views election.
25 London BBC World Service in English, 17:09 GMT, 24 September

1 1990."

2 MR. WRIGHT: "In Liberia it seems some kind of cease
3 fire is in operation and Charles Taylor, the Patriotic Front
4 leader, is busy laying down his plans for the country. He has
5 persistently rejected the ECOWAS, Economic Community of West
6 African States plan and the interim government set up at the
7 recent talks in Banjul.

8 "Taylor is again calling himself president of Liberia
9 and is now talking of holding elections as soon as 10 October.
10 Well, Patriotic Front spokesman Tom Woewiyu called us up again
11 to tell us about his plans, and Elizabeth O'Heaney (phonetic)
12 asked him if holding an election so early was not a mad
13 scheme."

14 SPECIAL AGENT LOHMEIER: "Well, Elizabeth, it is not
15 a mad scheme."

16 MR. WRIGHT: "London BBC World Service, 6:15 on 24
17 September in an otherwise abbreviated transmission of the
18 Woewiyu interview asked the following."

19 SPECIAL AGENT LOHMEIER: "What Mr. Taylor is talking
20 about is, as you recall Mr. Taylor declared an interim
21 government about two months ago, which is called the National
22 Patriotic Reconstruction Assembly. That government consists of
23 six individuals from the cabinet, five from the National
24 Patriotic Front itself, and 13 members, one from each of the
25 political regions of Liberia. And of course he has appointed

1 some of those cabinet members, one of which I am, and we have
2 been running the country since then.

3 "What he is saying now is that on 10 October the
4 people of Liberia, there are more than two million Liberians
5 living in Liberia and besides those who fought in Monrovia,
6 which is about two square miles or even less, besides that
7 area, every other part of Liberia I won't say is running
8 smoothly to what it used to be, but people are trying to
9 normalize their lives. And so he is asking the consensus of
10 that population to appoint one person or elect one person from
11 each of the political regions to come and represent them on
12 that assembly.

13 "The assembly is an interim assembly; the life of it
14 is only six months, and it will set all of the stages for
15 general elections for normalizing the situation in the country.
16 And that is what he is talking about."

17 THE COURT: I'm just -- I'm just -- you pronounce
18 interim --

19 SPECIAL AGENT LOHMEIER: Interim.

20 THE COURT: -- inteerim (sic)? It's the same word as
21 interim, isn't that correct?

22 SPECIAL AGENT LOHMEIER: Yes, ma'am.

23 THE COURT: Yeah, interim. Okay.

24 MR. WRIGHT: "You know there is a war on in Liberia
25 currently. You say this is only in Monrovia. Now, what state

1 is the rest of the country in to be able to mount an election?"

2 SPECIAL AGENT LOHMEIER: "Well, believe me,
3 Elizabeth, we have enough food in the rest of the country. We
4 have transportation running from Monrovia to Nimba, from
5 Monrovia to the Ivorian border. People are coming back in.
6 People who want to go out are going. And food prices have
7 dropped dramatically. The stores are open in Buchanan, open in
8 all of the towns in those areas.

9 "We have opened the Port of Buchanan and merchants
10 are now bringing in goods. The Red Cross is working out of the
11 Port of Buchanan, the Catholic Relief, everybody is working
12 there. And I won't say that everything is normal in those
13 areas, but I tell you, the war itself for us is over. And as
14 long as Doe is dead, Prince Johnson's people know that was the
15 prime objective.

16 "The only problem we have now is this ECOMOG,
17 Economic Community of West African States Cease Fire Monitoring
18 Group, which is determined to install a government that they
19 formed in Banjul, a government that has no basis at all. And
20 of course they're the ones now that are carrying out bombing
21 raids throughout the country."

22 MR. WRIGHT: "What will this assembly do?"

23 SPECIAL AGENT LOHMEIER: "It will be the task of the
24 assembly to somehow create an environment in which all
25 Liberians will have a free hand in putting their political

1 parties back on track.

2 "It will be the responsibility of the assembly to
3 establish an election commission to see to it that elections
4 are held. It will be the responsibility of the assembly to see
5 to it that all the security mechanisms, police, immigration,
6 and all of the normal apparatus of our society are put back on
7 track to make sure that Liberia returns to a normal situation."

8 MR. WRIGHT: "Can I ask you what kind of
9 administration you think you have in other parts of the
10 country, especially Grand Gedeh County? Do you have an
11 administration there?"

12 SPECIAL AGENT LOHMEIER: "At this particular time,
13 Grand Gedeh is a very volatile area. Mr. Taylor has issued
14 orders to have our men not to enter Grand Gedeh. There are
15 Liberian citizens in Grand Gedeh who have absolutely nothing to
16 do with what Mr. Doe and his henchmen did.

17 "Of course, there are still armed remnants of the Doe
18 troops in there, but what we have done is seal off Grand Gedeh
19 so that no violence come out of there into other areas. And
20 I'm sure at this particular time there are negotiations going
21 on with some of the major leaders inside of Grand Gedeh with
22 our people so that we can normalize the situation in there.
23 But I can assure you that there is no intention on the part of
24 the Grand Gedehans and of course on the part of the National
25 Patriotic Front people to have another war started over there."

1 MR. WRIGHT: With the Court's permission, the
2 Government would like to read Government Exhibit I-29.

3 SPECIAL AGENT LOHMEIER: "NPFL defense minister
4 comment. London BBC World Service in English, 18:30 GMT, 10
5 November 1992."

6 MR. WRIGHT: "The NPFL, National Patriotic Front of
7 Liberia, defense spokesman Tom Woewiyu called us up from
8 Liberia to give his version of what is happening about their
9 self-proclaimed cease fire. On the line" --

10 THE COURT: Well, let's start with the date, if you
11 don't mind, as we did before.

12 MR. WRIGHT: Certainly, Your Honor. I believe that
13 Special Agent Lohmeier read GMT 10 November '92, which would be
14 November 10, 1992, of course Your Honor.

15 THE COURT: '92. Okay.

16 MR. WRIGHT: Yes, Your Honor.

17 THE COURT: All right.

18 MR. WRIGHT: With the Court's permission, I'll start
19 from the beginning.

20 THE COURT: I didn't know whether you read -- had you
21 read that?

22 SPECIAL AGENT LOHMEIER: I have, Your Honor.

23 THE COURT: You didn't read it?

24 SPECIAL AGENT LOHMEIER: I did, ma'am.

25 THE COURT: Did you read it? Oh, I'm sorry.

1 SPECIAL AGENT LOHMEIER: That's all right.

2 THE COURT: Okay.

3 MR. WRIGHT: If I may start from the beginning, Your
4 Honor?

5 THE COURT: Yes, start from the -- from the -- from
6 the text, yeah.

7 MR. WRIGHT: Certainly.

8 "The NPFL, National Patriotic Front of Liberia,
9 defense spokesman Tom Woewiyu called us up from Liberia to give
10 his version of what is happening about their self-proclaimed
11 cease fire. On the line Elizabeth O'Heaney asked Mr. Woewiyu
12 whether they have in fact stopped fighting."

13 SPECIAL AGENT LOHMEIER: "Well, as of midday today,
14 we ordered our forces to stop fighting, and of course as your
15 own reporter in Monrovia is saying, ECOMOG, Economic Community
16 of West African States (ECOWAS) Cease Fire Monitoring Group,
17 continues to bombard our position by air and by sea."

18 MR. WRIGHT: "And have you stopped fighting? Has the
19 NPFL stopped fighting?"

20 SPECIAL AGENT LOHMEIER: "We have ordered our forces
21 to stop fighting. Of course, if we are being shot at, we are
22 not going to turn our backs."

23 MR. WRIGHT: "Why could you not just have a cease
24 fire that was ordered by ECOWAS? Why did you have to announce
25 your own?"

1 SPECIAL AGENT LOHMEIER: "The reasons why we had to
2 do that are several.

3 "First of all, we were not invited to the meeting in
4 Bussa. We were not part of the discussions. So the term of
5 reference of the cease fire ordered by ECOWAS was not discussed
6 with us. But to make sure that ECOMOG did not lie that they
7 had tried to abide orders from ECOWAS and we did not, we made
8 sure we gave our people 12 hours to stop in order for a cease
9 fire to be put in place. But it is clear now that they do not
10 even want to observe any form of cease fire."

11 MR. WRIGHT: "So when the ECOWAS ordered cease fire
12 starts at midnight, are you going to observe it?"

13 SPECIAL AGENT LOHMEIER: "If ECOMOG observes a cease
14 fire, we will observe a cease fire. You see the problem with
15 the whole cease fire and the reason we had to call it in
16 advance is, because in all the world around you do not call a
17 cease fire just by sitting in a buja and say cease fire. You
18 have to sit the parties to a table and get a term of reference.
19 You just cannot call a cease fire, because everybody has to
20 know where they are and what they should be doing in the course
21 of that cease fire.

22 "If by midnight they cease fire and they let us know
23 that they want a cease fire, we will do our best to honor that.
24 And if they do not, then we will all know who is prolonging the
25 pains of the Liberian people."

1 MR. WRIGHT: With the Court's permission, Special
2 Agent Lohmeier will read Government Exhibit I-2.

3 THE COURT: I-2.

4 MR. WRIGHT: Yes, Your Honor. It's not a transcript.

5 THE COURT: You don't have a transcript?

6 MR. WRIGHT: No, it's not -- it is not a -- it's not
7 a recording from the BBC. It is in fact a letter that was --
8 that was written from -- from Firestone, Your Honor.

9 THE COURT: I don't have it, do I?

10 MR. WRIGHT: It should -- no, it would not be in that
11 book. It would be in your big binder, Your Honor. It is not a
12 -- it's not a -- it's not a BBC recording. It's just a regular
13 exhibit.

14 THE COURT: And it's I -- oh, KK-4, is that it?

15 MR. WRIGHT: No, it's I-2.

16 THE COURT: I-2.

17 MR. WRIGHT: Yes, Your Honor.

18 THE COURT: Oh.

19 MR. WRIGHT: And as a matter of fact, it appears on
20 the screen, Your Honor.

21 THE COURT: Oh, yeah, one second, one second. Let me
22 -- let me get it so that I know what it is. So it's not --
23 it's only going to be on the screen?

24 MR. WRIGHT: It is on the screen, Your Honor.

25 THE COURT: Oh, okay. All right. I'll read it from

1 the screen. Okay.

2 SPECIAL AGENT LOHMEIER: "Firestone Plantations
3 Company, Harvey S. Firestone, founder, Harbel, Liberia, West
4 Africa. October 3rd, 1990.

5 "To Commander-in-Chief Charles Taylor, National
6 Patriotic Front of Liberia, Republic of Liberia, care of Mr.
7 Tom Woewiyu.

8 "Dear Sir: Pursuant to our recent discussion with
9 Mr. Tom Woewiyu and his request that we write this letter, we
10 hereby confirm the representatives of Firestone Plantations
11 Company and its parent corporation, collectively the
12 concessionaires, desire to meet with you or your duly
13 authorized representatives at the earliest mutually convenient
14 date in Abidjan, Cote d'Ivoire or in another country
15 neighboring Liberia.

16 "The purpose of this meeting would be to discuss a
17 visit to the Firestone Plantation in Liberia by representatives
18 of the concessionaires. The proposed visit would allow
19 representatives of the concessionaires to assess the state of
20 their assets in Liberia and of the plantation itself,
21 preparatory to any resumption of operations in Liberia upon the
22 cessation of the state of force majors which presently exist
23 under the concession agreement with the government.

24 "We are specifically concerned about the safety and
25 security of our representatives during any such visit and their

1 safe passage into and out of Liberia and we seek your
2 assurances in those respects. In addition, we also wish to
3 discuss certain matters relating to any future operations in
4 Liberia of Firestone Plantations Company and its affiliates,
5 United States Training Company, including those identified on
6 the attached list.

7 "We await your early reply to this letter and your
8 advice as to a convenient time and location for our meeting.
9 Please address any response to this letter directly to Mr. D.A.
10 Ensminger, President and Managing Director, Firestone
11 Plantations Company, care of Bridgestone Firestone, Inc., 1200
12 Firestone Parkway, Akron, Ohio, 44317, USA.

13 "Thank you for your prompt attention in response to
14 this correspondence. Very truly yours, Firestone Plantations
15 Company. Signed by D.A. Ensminger, President and Managing
16 Director.

17 "Attached is a discussion agenda.

18 "1) Protection and safety of personnel. a) Personnel
19 and personal safety; b) Harassment.

20 "2) Protection of property and equipment.

21 a) Protection against further damage or losses; b) Recovery of
22 confiscated or stolen properties; c) Vacate occupied facilities
23 and living quarters.

24 "3) Recovery of losses; physical property and lost
25 revenue. a) Return of property; b) Monetary restitution;

1 c) Tax relief abatement.

2 "4) Resumption of operations. a) Availability of
3 Freeport, Monrovia latex export; b) Importation of replacements
4 of confiscated destroyed equipment, vehicles, supplies free of
5 duty; c) Functional banking system, internal and external.

6 "5) Employment/re-employment of personnel.

7 "6) Other matters concerning the future of FPCO,
8 USTC."

9 MR. WRIGHT: With the Court's permission, the
10 Government would seek permission to have Special Agent Lohmeier
11 read Government Exhibit I-1, which should come up on the screen
12 momentarily, Your Honor.

13 THE COURT: Okay.

14 SPECIAL AGENT LOHMEIER: "In the Court of Common
15 Pleas of Summit County, Ohio. Cigna Worldwide Insurance
16 Company and Cigna Property and Casualty Company, Plaintiff v.
17 Bridgestone Firestone, Inc., Firestone Plantations Company,
18 Lonestar Transport Lines, Inc., United States Trading
19 Company --

20 THE COURT: One second. This is I -- oh, okay, I'm
21 sorry.

22 MR. WRIGHT: I-1, Your Honor.

23 THE COURT: All right, good.

24 SPECIAL AGENT LOHMEIER: "United States Trading
25 Company and United States Liberia Radio Corporation,

1 Defendants. Case No. CV-94-061878, declaratory judgment, Judge
2 Williams.

3 "Affidavit of Jucontee Thomas Woewiyu. I, Jucontee
4 Thomas Woewiyu, being first duly sworn under oath, depose and
5 state as follows:

6 "1) I am personally familiar with the matters
7 described in this affidavit.

8 "2) My knowledge is based upon my experiences as the
9 president of the Union of Liberian Associations of America
10 (ULAA) from 1980 through 1987; the chairman of the board of
11 ULAA from 1987 through 1990; a founder of the National
12 Patriotic Front of Liberia (NPFL) in January 1987; a member of
13 the NPFL from 1987 to the present; a member of the Executive
14 Council of the NPFL from 1990 through 1994; an official
15 spokesman for the NPFL from 1989 through 1994; the chief
16 negotiator for the NPFL from 1990 through 1994; the Minister of
17 Defense for the National Reconstruction Assembly Government
18 (NRAG) from 1990 through 1994; the Minister of Liberia for the
19 Liberian National Transitional Government from March 1994
20 through August 1995, LNTG I, and the Minister of Labor for the
21 LNTG from August 1995 to the present, LNTG II.

22 "3) An election for the president of the Republic of
23 Liberia was held in October 1985 which ultimately resulted in a
24 declaration that Samuel Kanyon Doe had received 50.9 percent of
25 the popular vote.

1 "4) A majority of Liberians believe that Samuel
2 Kanyon Doe engaged in and was directly responsible for unlawful
3 conduct, which included but was not limited to improper
4 persecution and coercion of political opponents during the
5 presidential election campaign, gross voting irregularities on
6 election day, and the infamous slow count of ballots that
7 followed.

8 "5) A majority of Liberians believe that this
9 unlawful conduct by and on behalf of Samuel Kanyon Doe resulted
10 in the declaration that he had won the presidential election.
11 This unlawful conduct by and on behalf of Samuel Kanyon Doe
12 violated both the letter and the spirit of the constitution of
13 the Republic of Liberia, and that Samuel Kanyon Doe was not the
14 true victor in the presidential elections. The majority of
15 Liberians therefore believe that Samuel Kanyon Doe was not the
16 constitutional president of Liberia.

17 "6) The majority of Liberians believe that they were
18 entitled to be governed by a president elected under the
19 democratic processes guaranteed by the constitution of the
20 Republic of Liberia.

21 "7) In the years following the declaration that
22 Samuel Kanyon Doe had won the 1985 presidential election, a
23 majority of Liberians believed that he engaged in and was
24 directly responsible for unlawful conduct that violated the
25 rights, freedoms, and democratic system of government

1 guaranteed by the constitution of the Republic of Liberia.

2 That unlawful conduct included but was not limited to gross
3 human right violations, tribal reprisals, and flagrant
4 corruption.

5 "8) The NPFL was formed in the Ivory Coast in January
6 1987 at a two-day meeting attended by myself, Charles Taylor,
7 Moses Duopu, Harry Yuan, and Yeagbe Debgon.

8 "9) At this meeting it was agreed that the specific
9 intent and objective of the NPFL would be to preserve and
10 protect the rights, freedoms, and democratic system of
11 government guaranteed under the constitution of the Republic of
12 Liberia.

13 "It was also agreed that the NPFL would pursue with
14 specific intent to preserve and protect the rights, freedoms,
15 and democratic system of government guaranteed under the
16 constitution of the Republic of Liberia by attempting to
17 pressure the unlawful usurper of the presidency, Samuel Kanyon
18 Doe, into resigning.

19 "It was further agreed that after his resignation,
20 the NPFL would ensure that free and fair democratic elections
21 would be held under the auspices of either the existing
22 government administration or an interim government
23 administration in which all political parties would be invited
24 to participate.

25 "The specific intent and objective of the NPFL has

1 been the same from its date of creation through the present.

2 "10) The NPFL believe that the vast majority of
3 Liberians supported its objective to protect and preserve the
4 rights, freedoms, and a democratic system of government
5 guaranteed by the constitution of Republic of Liberia.

6 "11) That belief by the NPFL was based partly on the
7 fact that many individuals and groups inside and outside of
8 Liberia attempted to pressure the unlawful usurper of the
9 presidency, Samuel Kanyon Doe, into resigning through the use
10 of political pressure in and outside of Liberia in the years
11 following the 1985 elections.

12 "12) Samuel Kanyon Doe resisted that pressure and
13 continued to engage in conduct that violated the letter and
14 spirit of the constitution of the Republic of Liberia with
15 increasing impunity.

16 "13) Beginning with an incursion into Nimba County on
17 December 24, 1989 by approximately 12 of its members, the NPFL
18 attempted to apply additional pressure to persuade the unlawful
19 usurper of the presidency, Samuel Kanyon Doe, to resign.

20 "14) The incursion into Nimba County by the NPFL
21 sparked a popular uprising against the unlawful usurper of the
22 presidency, Samuel Kanyon Doe, by a substantial portion of the
23 civilian population and enumerable defectors from the Armed
24 Forces of Liberia (AFL).

25 "15) The NPFL was a very small group in 1989 and

1 early 1990 in which the number of actual members never exceeded
2 200 people. However, due to the popularity of its intentions,
3 namely to preserve and protect the rights, freedoms, and
4 democratic system of government guaranteed by the constitution
5 by the Republic of Liberia, many civilians joined in the
6 fighting from time to time to help achieve that goal.

7 "16) Unfortunately, many of the civilians who joined
8 the noble effort of the NPFL to preserve and protect the
9 rights, freedoms, and democratic system of government
10 guaranteed under the constitution of the Republic of Liberia
11 also pursued their own personal objectives.

12 "Their pursuit of these personal objectives resulted
13 in looting, vandalism, theft, tribal reprisals, revenge for
14 past insults and injuries, and factional turf battles. The
15 personal objectives of the people or groups who engaged in that
16 conduct were not the objectives of the NPFL.

17 "In fact, the NPFL formulated a standing policy which
18 strictly prohibited, among other unlawful conduct, looting,
19 theft, and vandalism. Thus, the personal objectives of those
20 people or groups which engaged in that type of prohibited
21 conduct were at odds and direct conflict with the intentions of
22 the NPFL. Whenever it was possible to do so, the NPFL punished
23 those responsible for that unlawful conduct.

24 "17) The NPFL never intended at any time from January
25 1987 through the present to overthrow the constituted

1 government of Liberia forcibly or otherwise.

2 "18) The NPFL never intended at any time from January
3 1987 through the present to change or alter in any way the
4 democratic system of government in Liberia forcibly or
5 otherwise.

6 "19) The NPFL never intended at any time from January
7 1987 through the present to change or alter in any way the
8 tripartite organizational system of government in Liberia
9 forcibly or otherwise.

10 "20) The NPFL never intended at any time from January
11 1987 through the present to change or alter in any way the
12 organizational structure of any branch of the government of
13 Liberia forcibly or otherwise.

14 "21) The NPFL never intended at any time from January
15 1987 through the present to seize control of any office or
16 branch of the government of Liberia forcibly or otherwise.

17 "22) The NPFL never intended at any time from January
18 1987 through the present to exercise the powers of any office
19 or branch of the government of Liberia forcibly or otherwise.

20 "23) The NPFL never intended at any time from January
21 1987 through the present to influence how the powers of any
22 office or branch of the government of Liberia were exercised.

23 "24) The NPFL never intended at any time from January
24 1987 through the present to seize control of the presidency of
25 the government of Liberia forcibly or otherwise.

1 "25) The NPFL never intended at any time from January
2 1987 through the present to exercise the powers of the
3 presidency or the government of Liberia forcibly or otherwise.

4 "26) The NPFL never intended at any time from January
5 1987 through the present to influence how the powers of the
6 presidency were exercised.

7 "27) The NPFL never intended at any time from January
8 1987 through the present to install any of its members in any
9 governmental office or post forcibly or otherwise.

10 "28) The NPFL never intended at any time from January
11 1987 through the present to install Charles Taylor or any other
12 members of the NPFL as president of the government of Liberia
13 forcibly or otherwise.

14 "29) The NPFL never intended at any time from January
15 1987 through the present to seize control or exercise the
16 powers delegated by the government of Liberia to another entity
17 or body, such as the AFL, forcibly or otherwise.

18 "30) Any conflicting statements or declarations that
19 may have been made by any individual purporting to represent
20 the NPFL, and any conflicting statements or declarations that
21 may have been reported in the media, did not and do not reflect
22 the specific intentions or objectives of the NPFL.

23 "To the extent such statements or declarations were
24 made, they were either a) an inaccurate reflection of the
25 intentions and objectives of the NPFL; b) not authorized by the

1 NPFL; c) reflected the personal motives of the individual
2 making the declaration; or, d) if made by an unauthorized
3 spokesman for the NPFL or made for political or propaganda
4 purposes.

5 "31) I am also personally familiar with the
6 intentions and objectives of the Independent National Patriotic
7 Front of Liberia (INPFL), based on conversations I had with its
8 leader, Prince Yormie Johnson, at meetings in Banjul, Gambia in
9 July 1990.

10 "32) Mr. Johnson and his followers had previously
11 been associated with the NPFL. Mr. Johnson and his followers
12 were aware of and at all times shared the objectives of the
13 NPFL outlined above.

14 "33) Mr. Johnson instituted the formation of the
15 INPFL in June or July 1990 because he objected to the
16 leadership of the NPFL by Charles Taylor. Mr. Johnson believed
17 incorrectly that Mr. Taylor wanted to install himself as the
18 president of the government of Liberia through the use of
19 force.

20 "Mr. Taylor personally assured me and the Council of
21 the NPFL on numerous occasions that he had no secret intention
22 to forcibly install himself as president of the Republic of
23 Liberia. Moreover, as outlined above, the NPFL never intended
24 to install Charles Taylor or any of its members as president of
25 the government of Liberia forcibly or otherwise.

1 "To the extent Mr. Taylor desired to become president
2 of the government of Liberia, the NPFL would have required him
3 to run as a candidate in the free and fair democratic
4 presidential elections that were to have been conducted
5 following the resignation of Samuel Kanyon Doe. Additionally,
6 even if Mr. Taylor had harbored a desire to install himself as
7 the president of Liberia with force, that was a personal
8 objective that was not shared by the NPFL.

9 "34) The INPFL at all times shared the specific
10 objective of the NPFL to preserve and protect the freedoms,
11 rights, and democratic system of government guaranteed by the
12 constitution of the Republic of Liberia.

13 "35) Like the NPFL, the INPFL sought to pressure the
14 unlawful usurper of the presidency into resigning and to ensure
15 that free and fair democratic presidential elections would be
16 held as soon as practical following his resignation, under the
17 auspices of the existing government administration or an
18 interim government administration in which all political
19 parties would have been invited to participate.

20 "36) Like the NPFL, the INPFL never intended at any
21 time to overthrow the constituted government of Liberia
22 forcibly or otherwise.

23 "37) Like the NPFL, the INPFL never intended at any
24 time to seize control of or exercise any of the powers of the
25 government of Liberia forcibly or otherwise.

1 "37) The NPRAG was created by civilians with the
2 support of the Executive Council of the NPFL as an interim
3 caretaker administration to temporarily perform basic
4 governmental functions of Liberia. The intention to form the
5 NPRAG was declared in approximately July 1990 and Charles
6 Taylor was nominated as the interim president.

7 "The NPRAG was subsequently formed in approximately
8 November 1990 and Charles Taylor was confirmed as the interim
9 president, pursuant to election conducted by representatives of
10 the 13 counties in Greater Liberia.

11 "The NPRAG was an interim administration that was
12 designed and intended to function pursuant to the constitution
13 of the Republic of Liberia as closely as possible under the
14 circumstances that existed at the time.

15 "One of the primary functions of the NPRAG was to
16 negotiate an agreement with the Interim Government of National
17 Unity (IGNU). The interim governmental administration that had
18 been installed in Monrovia would result in the creation of a
19 unified interim government responsible for holding free and
20 fair elections for the formation of a lawfully constituted
21 democratic civilian government, as required under the
22 constitution of the Republic of Liberia.

23 "The NPRAG and IGNU eventually reached such an
24 agreement resulting in the formation of the LNTG. The LNTG has
25 subsequently engaged in efforts to hold the free and fair

1 democratic elections that were envisioned by the NPRAG and
2 IGNU, desired by the Liberian people, and required under the
3 constitution of the Republic of Liberia.

4 "The NPFL, the NPRAG, and the INPFL never intended to
5 declare and did not declare at any time their independence or
6 liberty from either the Republic of Liberia or as a constituted
7 system of government.

8 "40) The NPFL, the NPRAG, and the INPFL never
9 intended to and did not at any time cast off their allegiance
10 to either the Republic of Liberia or its constituted system of
11 government.

12 "41) The NPFL, the NPRAG, and the INPFL never
13 intended to and did not commence hostilities against either the
14 Republic of Liberia or its constituted system of government to
15 establish their independence or liberty.

16 "42) The NPFL, the NPRAG, and the INPFL never
17 intended to and did not commence hostilities against either the
18 Republic of Liberia or its constituted system of government for
19 the purpose of creating a sovereign state with a new system of
20 government.

21 "43) The NPFL, the NPRAG, and the INPFL never
22 intended to and did not occupy or hold in a hostile manner any
23 territory under a claim of independence or liberty from either
24 the Republic of Liberia or its constituted system of
25 government.

1 "44) The NPFL, the NPRAG, and the INPFL never
2 intended to and did not proclaim that they had been created to
3 supplant either the Republic of Liberia or its constituted
4 system of government.

5 "45) The fighting that occurred in Liberia through
6 September 1990 was a reflection of the desire by Samuel Kanyon
7 Doe and a small number of pawns who had been members of the AFL
8 to preserve his unlawful status as president. On the one hand
9 and on the other, a desire by the NPFL, the INPFL, and the
10 majority of Liberian citizens to preserve and protect the
11 independence, liberty, and the democratic system of government
12 guaranteed to them under the constitution of the Republic of
13 Liberia.

14 "46) Neither the NPFL nor the INPFL sought to impose
15 their views on the whole of Liberia, forcibly or otherwise, by
16 attempting to change or seize control of the Republic of
17 Liberia or its democratic system of government.

18 "47) The events in Liberia constituted a popular
19 uprising because the majority of Liberians supported the
20 objective of the NPFL to preserve and protect the rights,
21 freedoms, and democratic system of government guaranteed to all
22 Liberians by the constitution of the Republic of Liberia.

23 "Further your affiant sayeth naught. Signed by
24 Jucontee Thomas Woewiyu. Subscribed and sworn to me before me
25 this 19th day of July, 1996. Sandra K. Haughton (phonetic),

1 notary public."

2 MR. WRIGHT: Your Honor, with the Court's permission,
3 may we have just a very, very short adjournment so -- she's
4 going to continue to read, but she has quite a bit more to
5 read, Your Honor.

6 THE COURT: Okay. That sounds reasonable. She has
7 to get her voice back. Okay.

8 Members of the jury, remember your recess
9 instructions. We'll be back right away. We'll be back in
10 about five minutes. Okay?

11 MR. WRIGHT: Thank you, Your Honor.

12 (Jury out)

13 (Recess at 11:02 a.m. to 11:20 a.m.)

14 (Jury in at 11:21 a.m.)

15 THE COURT: Okay.

16 MR. WRIGHT: With the Court's permission, we'd like
17 Special Agent Lohmeier to read a portion of excerpts from I-34,
18 Your Honor.

19 UNIDENTIFIED SPEAKER: I-34?

20 MR. WRIGHT: I-34.

21 UNIDENTIFIED SPEAKER: Oh, it's not in this grouping
22 that you mentioned?

23 MR. WRIGHT: I believe that I did, but if I didn't,
24 I --

25 THE COURT: No, you never -- I never got I-34.

1 MR. WRIGHT: If that's the case, Your Honor, the
2 Government moves that I-34 be admitted into evidence. It's one
3 of the documents that we discussed with counsel.

4 THE COURT: I have -- I-34 is not on there.

5 MR. WILSON: It wasn't on the list that he gave, but
6 -- but we don't have any objection to it.

7 THE COURT: Oh, okay. All right. I don't have a
8 copy, but it doesn't matter.

9 MR. WRIGHT: Your Honor, it would be in your -- it
10 would be in your -- in your large book.

11 THE COURT: Okay.

12 MR. WRIGHT: Under I -- under I-34, Your Honor.

13 THE COURT: Okay. That's no problem.

14 (Pause)

15 THE COURT: Okay. All right. You may begin.

16 MR. WRIGHT: And with the Court's permission, I'll
17 ask Special Agent Lohmeier to advise us, since she's reading
18 excerpts, as to where those excerpts are located on the
19 document, Your Honor.

20 (Pause)

21 MR. WRIGHT: Your Honor, rather than starting with
22 I-34, we'll start with I-3, which is -- also should be in your
23 book. My apologies to the Court. She'll read excerpts.

24 (Pause)

25 THE COURT: Okay. All right.

1 SPECIAL AGENT LOHMEIER: "2005 Jucontee Thomas
2 Woewiyu open letter to Madam Ellen Johnson Sirleaf. Thursday,
3 September 15, 2005 by Jucontee Thomas Woewiyu.

4 "Dear Madam Ellen Johnson Sirleaf: The Rest of Your
5 Apologies. I write this letter to first compliment you for
6 finally mustering the courage to apologize to the Liberian
7 people for the callous and deadly statement you made on the BBC
8 in 1990 while prosecuting the second and Taylor led version of
9 NPFL wars.

10 "You said 'Level Monrovia, we will rebuild it,' and
11 not 'Level the Executive Mansion,' as contained in your
12 statement of apology. As you said, you regret making what you
13 now term as a 'stupid comment.' If you truly regret making a
14 statement that resulted in the death of thousands of your
15 fellow countrymen and women, why replace it now with a false
16 one?

17 "I am also writing this letter to refresh your memory
18 about other reckless and deadly statements you made in the past
19 that must be included in your apology if you are honest in
20 seeking forgiveness from the Liberian People whom you are also
21 seeking to rule.

22 "Your Level of Involvement. First, let us clarify
23 the matter of what level of involvement and part you played in
24 the founding of the National Patriotic Front of Liberia (NPFL)
25 and the prosecution of its wars: The Quinwonkpa failed coupe

1 in 1985 and the version led by Charles Taylor which started in
2 December of 1989. As you know, the NPFL organization was the
3 same but operated with different foot soldiers in each version
4 under your stewardship as we will see later on in this letter.

5 "Your position in that organization, especially the
6 Taylor version, was not as petit and as limited as you continue
7 to describe it to have been. 'Level Monrovia, we will rebuild
8 it,' could have only come from the real Head of State and
9 Commander-in-Chief whose army was the NPFL as you saw yourself.
10 You issued the order and it was executed. It included the
11 notorious Octopus, which finally wrecked Monrovia.

12 "Fifteen years have gone by and Monrovia is still
13 without water and electricity. During the course of this
14 period, you were the second most powerful person in the United
15 Nations Development Program (UNDP), but zero came to Liberia by
16 way of your influence. You even undermined the promotion and
17 employment of qualified Liberians in that UN organization
18 during your tenure. For now, I will leave your UN record to
19 speak for itself.

20 "Preparation for Invasion. My first trip to the
21 Ivory Coast to meet with Charles Taylor, Harry Yuan, Moses
22 Duopu and others to assess the level of military plan of action
23 for the purpose of removing Doe was sponsored by you and others
24 in the wake of the failed Quinwonkpa coupe in which you played
25 a major role. At the time, you were personally supporting

1 Harry Yuan in the rapid re-recruitment of his fellow Nimbaians
2 and Clarence Simpson was supporting Moses Duopu, the late
3 Counselor Gbaydiah and others in the Ivory Coast to launch
4 another arm attack on the Doe regime following the botched
5 Quinwonkpa coupe.

6 "If you can recall, after my visit, to the Ivory
7 Coast, the three men split up in search of a possible training
8 base and support. Duopu went to Nigeria, Harry Yuan went to
9 Senegal and Taylor went to Burkina Faso. It was Taylor who
10 first found the possible avenue to accomplish the mission.

11 "With your knowledge and support, I again went to
12 Burkina Faso to ascertain the truth to Taylor's claim that he
13 had found the ultimate opportunity to train men for another
14 attempt to remove the Doe regime by force of arm. The
15 sponsors, especially Thomas Sankara, wanted to know that there
16 was a political support for an arm rebellion by civilians to
17 remove the Samuel Doe's military junta. With your knowledge
18 and consent, I gave the sponsors the assurance they needed to
19 kick off the process of recruitment and training.

20 "Upon my arrival back in the United States, I went
21 straight to your sister's house on Long Island where you were
22 living. While we were discussing the issue of Taylor leading
23 this round of armed rebellion, Byron Tarr arrived. When you
24 told him what you were putting Taylor up to, he was totally
25 opposed on the ground that Taylor was corrupt. He gave in only

1 when you asked him if he had any other viable alternative,
2 given that your people had tried more than 10 times to get rid
3 of Doe, but failed.

4 "The Libyan Connection. You accepted and agreed to
5 create a political alliance to replace the junta. Since you
6 could not go to Tripoli, Libya, during the training of the men
7 and the planning stage, you appointed a special envoy, Mr.
8 Harry A. Greaves Jr. For reasons not necessary to be stated
9 here, neither you nor Mr. Greaves ever went to Tripoli but you
10 stayed abreast of the progress of the training until it was
11 completed.

12 "Following the training of the men, and while they
13 were waiting in the Diaspora, you and I met with Taylor in
14 Paris where you promised to arranged for a ship to drop the men
15 in Liberian waters from the Sierra Leone side. There was also
16 talk about you arranging with President Momo of Sierra Leone
17 for the offensive to be launched from Sherbro Island. I
18 believe, relying on that, Taylor went to Sierra Leone to follow
19 up and he wound up in jail. What a way to treat your general."

20 SPECIAL AGENT LOHMEIER: I'll be skipping to, "A
21 Secret Meeting with Charles Taylor and Jackson F. Doe's
22 Disappearance.

23 "A few months after the meeting in Virginia, in my
24 absence you went to the war front at Gborplay, Nimba County,
25 where the NPFL still had its headquarters, and told Charles

1 Taylor and other leaders of the organization that you and I had
2 agreed that the government would be given to Liberian Action
3 Party once the Doe regime was deposed. Upon my arrival at that
4 forest headquarters, I was confronted with a court marshall of
5 a life-threatening nature for supposedly selling out the
6 revolution in advance while others were still fighting and
7 dying. Only God and my friendship with Taylor saved me. I was
8 able to walk away with my life."

9 SPECIAL AGENT LOHMEIER: Skipping ahead to, "Your
10 Financial Contributions to the War Effort.

11 "Let me refresh your memory on the financial
12 contributions to the Taylor war efforts from you and your
13 sources. \$25,000 was the initial amount by your consortium,
14 Clarence Simpson and Taylor Major, when the war started. I am
15 the founding Chairman of the Association for Constitutional
16 Democracy of Liberia (ACDL)."

17 SPECIAL AGENT LOHMEIER: And towards the end:

18 "I truly hope that the factual and historical events
19 I have outlined in this letter will help to jar your memory so
20 that you can do the right thing, tell the truth. Sincerely,
21 Jucontee Thomas Woewiyu, August 30, 2005."

22 MR. WRIGHT: With the Court's permission, Special
23 Agent Lohmeier will read just a short portion of I-34.

24 THE COURT: Do you want anything counter read?

25 MR. WILSON: We may, Your Honor.

1 THE COURT: Oh, later. Okay. That's fine.

2 SPECIAL AGENT LOHMEIER: "African Panorama, watching
3 through the bird's eyes, the Woewiyu testimony to the Liberian
4 TRC that was never given."

5 From page 2, halfway down:

6 "As I speak to you now, my heart goes down for an
7 innocent group of Fante people, Ghanaian immigrants in Grand
8 Bassa County."

9 THE COURT: One second. We have to get this --

10 SPECIAL AGENT LOHMEIER: I'm sorry

11 THE COURT: -- blown up a little.

12 (Pause)

13 THE COURT: Okay. Thank you.

14 SPECIAL AGENT LOHMEIER: Yes, ma'am.

15 "As I speak to you now, my heart goes down for an
16 innocent group of Fante people, Ghanaian immigrants in Grand
17 Bassa County who, as the uprising turned into anarchy, were
18 rounded up by the NPFL forces and put in what amounted to a
19 concentration camp called Flamingo Camp, a logging village in
20 Nimba County.

21 "By the time I came to know of the camp, some heinous
22 acts including rape and murder had been committed there.
23 However, with my ardent urging Mr. Taylor saw to it that the
24 camp was broken up. Some of the victims fled to Ghana, while
25 others returned to Buchanan. I deeply apologize to these

1 outstanding Ghanaian immigrants in Liberia.

2 "My heart also goes out to the ethnic Krahn of Grand
3 Gedeh County who may have suffered as a result of a statement
4 attributed to me during the war. Immediately following my
5 breakup with Taylor, NPFL Radio maliciously aired an utterance
6 in my voice saying, 'A good Krahn man is a dead Krahn man.'

7 MR. WILSON: Your Honor, I'm going to ask at this
8 point that the next paragraph be read also.

9 THE COURT: Okay.

10 MR. WILSON: For completeness.

11 SPECIAL AGENT LOHMEIER: "The truth is, the utterance
12 was a distorted version of a sentence in which I told Enoch
13 Dogolea that Taylor was fooling himself if he thought he could
14 buy the Krahn people with any amount of money. In actual fact,
15 I said to Dogolea, 'Didn't Taylor say the only good Krahn man
16 was a dead Krahn man, and that the only good Doe was a dead
17 Doe?'"

18 THE COURT: Okay.

19 MR. WILSON: Thank you.

20 THE COURT: Is that what you want read?

21 MR. WILSON: Yes, Your Honor. We may come back to it
22 at a later --

23 THE COURT: Okay. All right. Anything else?

24 SPECIAL AGENT LOHMEIER: Skipping to page 6.

25 THE COURT: Page 6?

1 MR. WRIGHT: Your Honor, if she could read -- she was
2 supposed to read the entire portion. If she could read the
3 next paragraph also.

4 THE COURT: Okay.

5 MR. WRIGHT: At the end after -- at page 2.

6 SPECIAL AGENT LOHMEIER: Mm-hmm.

7 "At one point, Taylor was bankrolling Roosevelt
8 Johnson and his Ulli Mojay (phonetic) against Alhaji Kromas
9 (phonetic) Ulli Mokay (phonetic). Some outstanding
10 personalities in the Krahn community at the time were actually
11 flocking to Banga and collecting large sums of money under the
12 guise of peace building. Thank God some Krahns had heard the
13 statement from Taylor directly before it was attributed to me.
14 In any case, I must register my sincerest apology to the Krahn
15 people who in fact are cousins to my Bassa ethnic group."

16 SPECIAL AGENT LOHMEIER: To page 6?

17 (Pause)

18 SPECIAL AGENT LOHMEIER: "Condemnation. I must also
19 use this opportunity to condemn in the strongest terms those
20 men and women who use the shadow of this legitimate uprising of
21 the people to commit mass murders and destroy our scarce
22 infrastructure.

23 "I was mortified when I read the testimony of a so-
24 called former warlord who said that his faction's involvement
25 in this civil war was motivated by greed; that he and his

1 comrades had been fighting for the government of Sierra Leone
2 as mercenaries; that apparently they were paid with weapons to
3 launch a counter-offensive in Liberia.

4 "The truth of the statement is that these fighters
5 took over the diamond region of Liberia. In the fight over
6 diamonds, the band metamorphized into two groups. The second
7 group moved into Lofa and connected its new empire to the
8 Republic of Guinea where they had natural ethnic affinities.

9 "Liberia has jurisdiction to punish or forgive those
10 who committed crimes under the guise of fighting a liberation
11 war."

12 MR. WRIGHT: There is one line in the heading on page
13 14, Your Honor.

14 THE COURT: All right.

15 (Pause)

16 SPECIAL AGENT LOHMEIER: "The Assassination of
17 President Doe by ECOMOG."

18 MR. WRIGHT: With the Court's permission, the
19 Government requests that Special Agent Lohmeier read all of
20 I-35.

21 THE COURT: Oh, they're not going to -- she's not
22 going to read this?

23 MR. WRIGHT: No.

24 THE COURT: Oh. Okay. She's going to read all of
25 I-35?

1 MR. WRIGHT: Yes, Your Honor.

2 THE COURT: Okay.

3 SPECIAL AGENT LOHMEIER: "Turning the Tables. Last
4 week Tom Woewiyu called a press conference in which he reversed
5 the NPFL's long-held view of the West African Peace Initiative,
6 and especially Nigeria's involvement, saying that he and his
7 colleagues want a disarmament to be accelerated so that the
8 NPFL can metamorphized itself into a political party rather
9 than an insurgent army.

10 "Woewiyu, Minister of Labor of the Liberia National
11 Transitional Government (LNTG), who is also a former defense
12 spokesman for the National Patriotic Front of Liberia (NPFL),
13 was among the first four NPFL nominees to eventually agree to
14 be sworn in as members of the LNTG earlier this year. The
15 others were Samuel Dokie, Minister of Internal Affairs, Zaed
16 Dachey (phonetic), Minister of Lands and Mines, and Lavella
17 Supowood, Minister of Justice.

18 "It was discovered almost as soon as they took their
19 seats that Charles Taylor had not intended them to take their
20 seats until all the cabinet posts, which he wanted allocated to
21 the NPFL and major dictatorships and headships of vital public
22 corporations, had been granted to the organization. This was
23 immediately perceived as the beginning of a major split in the
24 ranks of the NPFL because Woewiyu, Dokie, and Supowood were
25 largely considered the intellectual and ideological backbone of

1 the organization's hierarchy.

2 "Below are excerpts from the main statement made by
3 Woewiyu by Lindsay Barrett in Monrovia Reports."

4 THE COURT: All right. Is this in evidence?

5 MR. WRIGHT: Yes, Your Honor.

6 THE COURT: Okay. All right.

7 SPECIAL AGENT LOHMEIER: "Gentlemen of the press, I'm
8 a founding member of the NPFL. I was there when there was no
9 NPFL and we put down PFL together along with others. Even if I
10 wanted to, I don't think I could get out of the NPFL, so the
11 notion that I'm not with the NPFL anymore, Samuel Dokie is not,
12 Supowood is not, is a fallacy and is merely a divisive scheme
13 by those who have actually used the NPFL as noble goals to
14 frustrate the Liberian people.

15 "Yes, there's a problem in the NPFL and in this
16 country. The NPFL itself is a very, very good organization.
17 It is an organization made up of men and women dedicated to a
18 cause.

19 "Most of you can recall that when the NPFL launched
20 this revolution, almost everybody in this country supported it.
21 There were very few that did not support the idea that a
22 people's force had to be used to remove the dictatorship of
23 Samuel Doe. It was not the fighting men or the method of
24 fighting that frustrated and derailed this noble goal, it was
25 the leadership of the NPFL that led to all of these problems.

1 "The NPFL, of course, as you know, is being headed by
2 Charles Taylor, who as a matter of fact was a made leader of
3 the NPFL as a result of a series of coincidences. Charles
4 Taylor is not the founder of the NPFL.

5 "The NPFL was founded by the late Thomas Quinwonkpa,
6 and after the failure of his attempt it was continued by those
7 of us who felt that we had to continue the struggle until
8 things changed. It could have been led by several other
9 prominent Liberians. It could have been led by myself, Tom
10 Woewiyu. It could have been led by Moses Duopu. It could have
11 been led by Harry Yuan. These are people who were actually
12 there at the resuscitation of the NPFL. Taylor was a part of
13 that, and by a series of coincidences we agreed for him to lead
14 the organization.

15 "Over the years, he has abused that agreement. He
16 has abused the trust of a group of noble men, and of course we
17 have worked along with the organization to see if we could
18 solve the problem and maintain the goal of the organization,
19 which was to change things in this country for the betterment
20 of all.

21 "Therefore, over the years we went from one thing to
22 another and everybody seemed to have been given the NPFL all
23 the opportunities to accomplish its goal through politics. Mr.
24 Taylor has consistently obstructed that, insisting that he must
25 be president of this country by force, not even by election, or

1 else the war will not stop.

2 "Those of us who took the decision to join the LNTG
3 recently thought that this was the best opportunity in the
4 history of the struggle for us to put an end to this charade on
5 the part of Taylor. Taylor knows that in no way could he be
6 elected in this country. He has done things in the name of
7 NPFL that he has to answer for and he knows that, so he
8 continues to dwell on armed struggle as a way of trying to
9 bring himself to power. And of course we have to try to find a
10 way to end this.

11 "Over the years those of us who led the NPFL had
12 known that Taylor and a handful of men, of people, have turned
13 the noble goal of the NPFL into a revenge adventure. America
14 Liberians versus country people, that type of revenge. What we
15 started off doing, we did with everybody. All of the tribes in
16 this country, America Liberians, Gbandi, Gisi, everyone joined
17 hands to solve the problem, including the Krahns, who are
18 members of Doe's tribe," --

19 THE COURT: I don't see where you're reading. Oh,
20 okay. Did you -- did you leave anything out?

21 SPECIAL AGENT LOHMEIER: No, ma'am.

22 THE COURT: Okay.

23 SPECIAL AGENT LOHMEIER: "-- all came along to join
24 the NPFL to change the situation for the betterment of the
25 Liberian people. But Taylor and a handful of people decided

1 that this was an opportunity to avenge the 1980 coup which led
2 to the killing of 13 leaders of this country who are from the
3 America Liberian Tribe.

4 "Taylor himself took part in that decision to" --

5 THE COURT: Wait a second. On the screen is -- all
6 right, now it is. Okay. It wasn't before. Okay. All right.
7 It wasn't on the screen. Okay, you can go on.

8 SPECIAL AGENT LOHMEIER: All right. Thank you,
9 ma'am.

10 "Taylor himself took part in that decision to execute
11 them, but in his quest for power, he has turned around, trying
12 to convince others that he is the messiah for them, the so-
13 called America Liberian. All of these things Taylor is doing
14 because now he and others have decided that they are going to
15 use the so-called country people against themselves.

16 "Those children who fought in the NPFL and died were
17 not related to Taylor and did not come from his background.
18 While his children, even in the midst of war, are in private
19 schools in Geneva and other parts of the world, he takes pride
20 in walking around with other people's 8-year-olds, dragging AK-
21 47s behind them. But he knows that those children belong to a
22 group of people that he has no regard for.

23 "This has been the nature of this war. This has been
24 the nature of how the NPFL with its noble goals has almost lost
25 those goals by following Charles Taylor.

1 "Other warring factions have come about because they
2 have to resist this particular move by Taylor. Some of them
3 may not be aware that most of us in the NPFL were aware of this
4 problem. If they knew it, they probably would not have mounted
5 more warfare in order to get rid of Taylor.

6 "You take the situation with the ULIMO. It got
7 strengthened very much with Taylor's brother in Lofa Bridge,
8 Nelson Taylor. He killed, killed, killed until the ULIMO
9 people had to launch resistance on that side with the help of
10 indigenous people in that area. He moved on to Bong Mines, did
11 the same thing, and ULIMO got the support of the environment.
12 He moved on to Bassa and the same thing happened. He moved on
13 to Sinu; he harassed and killed the people until LPC came
14 along.

15 "LPC and ULIMO are mostly NPFL fighters who had to
16 run for their lives. LPC in particular, most of those fighters
17 who started the war in Sinu and Bassa, are NPFL fighters whose
18 ears were cut off by John Richardson, Charles Bright and Cuckoo
19 Dennis in their revenge against the so-called native people.
20 They know it; LPC knows it. LPC knows and we know what Nelson
21 Taylor did in Sinu which gave rise to the creation of the LPC.

22 "So what the NPFL has had to do is admit that we have
23 a problem. Today I want the public to know that the NPFL, the
24 organization, is not the problem. We the people in the NPFL
25 are not the problem. We recognize that we have a problem.

1 That problem is our leader, Mr. Charles Taylor. He is opposed
2 to any peace in this country. He is opposed to the LNTG. You
3 can see now he is no longer talking about the ceding of the
4 rest of the NPFL representatives to the LNTG. He is now on to
5 the formation of a new army by the factions.

6 "Obviously, the Liberian people will not tolerate the
7 formation of a prominent army by a bunch of gun-holding
8 factions. This is a country with a constitution. The army is
9 based on that. Taylor is not in any position to demand an army
10 based on sovereignty because he is only sitting in one house in
11 Banga that does not form the sovereignty or the territorial
12 jurisdiction of the Republic of Liberia.

13 "Others involved in the conflict do not feel that the
14 issue of sovereignty is any longer an issue that should stop
15 the peace process, but he is still using that as an obstacle.
16 And therefore we want to say here today that the NPFL
17 leadership will deal with the issue of the problem within it.
18 We will avoid violence. And this is what Taylor doesn't want.
19 He wants us to reduce ourselves, our noble goal, to the
20 situation that happened within ULIMO wherein it reduced the
21 people's movement, a movement for justice, a movement for
22 democracy to tribal conflict.

23 "Two tribes of this country, the Mandigos and the
24 Krahns, most of whose members are not involved in this warfare,
25 their names are now used to fight a war. We are not going to

1 bring the NPFL down to that.

2 "We believe that by publically acknowledging within
3 the NPFL that our leadership is a problem, we will solve the
4 problem. We believe in calling on the NPFL fighters to stop
5 fighting anybody, ULIMO, AFL, LPC, Lofa Defense Force. They
6 are not the enemies of the NPFL; Taylor is the enemy of the
7 NPFL. This they must know.

8 "We call upon all the other factions to recognize our
9 admission of this problem and our desire to correct the problem
10 without resorting to further destruction of lives and property.
11 We believe that the NPFL is capable of handling its own
12 leadership problem without any further bloodshed, and therefore
13 we call on the LPC, LDF, ULIMO, LNTG, and the international
14 community to urge all to stop the violence and pause while the
15 NPFL tries to resolve this problem of leadership internally.

16 "Mr. Taylor is an enemy to this society. He is an
17 enemy to the NPFL. He has distorted our ideals and wasted
18 blood on the noble goals of the people of this country.

19 "It is not an accident that several people that
20 showed up behind the lines disappeared. Jackson Doe was not
21 captured in combat. He walked over to our side, led by some of
22 our fighters, joyously to Kakata. There was a very, very big
23 festival in the middle of the war to celebrate that a leader of
24 our people had been saved. A leader who Doe wanted dead was
25 saved.

1 "He was escorted to Harbel, to Mr. Taylor. He was
2 received. At the time, I was in Sierra Leone. Taylor informed
3 me that Jackson Doe was with him and that I should inform
4 Sawyer, Ellen Sirleaf, and all the politicians that Jackson Doe
5 was safe, only for me to arrive in Harbel one week later and he
6 could not tell me where Jackson Doe was. He could not tell me
7 where Alfred Fuomo (phonetic) was; where Steven Daniels was;
8 where David Toa (phonetic) was; Professor Yakisin (phonetic).
9 All these people were taken to Buchanan and given housing, then
10 they disappeared.

11 "Then there was Cooper Taya (phonetic). I went
12 personally to Freetown and urged him not to mount another
13 insurrection, another warfare on our people, he being a Nimba
14 citizen. Nimba had already suffered so much and we felt that
15 there was no reason to double the jeopardy by him launching
16 another war under the leadership of my dear brother Binwall
17 Funbulla (phonetic), and Cooper Taya agreed and came along.
18 Funbulla thought that this was a mistake and we tried to get
19 him to understand that we were all one and that there was
20 nothing that was going to happen to these people.

21 "Cooper Taya came out and sat in a Harbel club. He
22 never got out of the clubhouse. I went away to the United
23 States and came back and I could not find Cooper Taya. Taylor
24 could not tell me what happened to Cooper Taya. About a year
25 ago, I took 18 of the 43 men out of jail in Banga. He had

1 hailed these Cooper Taya men and they stayed in jail for almost
2 two years. I felt responsible for whatever happened to the
3 rest of them and I felt I had to do something to save some of
4 them, and they were saved.

5 "If you look at the background of all of these
6 people, Gabriel Cappolla (phonetic) and others, you will see
7 that they all came from a common background of the so-called
8 country people, are indigenous people. It agrees that this was
9 not an error. This was a calculated decision on the part of
10 Taylor.

11 "Quite recently, this decision has been very, very
12 prominent in public knowledge, that the revenge against the so-
13 called country people has been the backdrop of the actions of
14 Mr. Taylor and a handful of people. Mrs. Grace Minor, Charles
15 Bright, Cuckoo Dennis, and others are in the background of
16 these.

17 "I must be very clear that those of us in the
18 leadership of the NPFL are very, very much aware that these
19 people in no way represent the aspirations of the America
20 Liberian Tribe in this country. They are a bunch of confused
21 people, including Mr. Taylor, who wants to use any kind of
22 excuse. And I'm sure that Mr. Taylor in the beginning tried to
23 show that he was fighting a countryman's war against others
24 when he took part in the decision to execute the 13 America
25 Liberian leaders of this country. I am sure that he was trying

1 to convince the country boys and the PRC that a group of
2 prominent citizens of this country should be wiped out to
3 satisfy his personal issues.

4 "This clarification is not intended to put any shadow
5 of doubt on the America Liberian Tribe as being part of Mr.
6 Taylor's conspiracy. It is only intended to try to show to our
7 people that we must not fight for any reason at all on behalf
8 of people that tend to divide this country along certain ethnic
9 and tribal lines. It is our intention that the NPFL fighters
10 know that Taylor does not see their struggle as a political
11 struggle for a change in this country, but rather as a struggle
12 to bring him to power, whatever his motive his.

13 "We know for sure that if Taylor had come to power,
14 most people, including America Liberians and natives, and
15 anybody that he saw as an obstacle to his desire for power,
16 would have been erased. And we know for sure that Taylor has
17 committed more atrocities, probably more than we are aware of,
18 from the Doe regime.

19 "And therefore I make this plea today to all of the
20 fighters from all of the fighting forces to all of the leaders
21 of all the different forces, some of the organizations, the
22 LPC, ULIMO, who may have their own problems and their own
23 Charles Taylors, too, and the nation. And all of us are poised
24 to help them to get rid of these problems without any further
25 bloodshed.

1 "We must all realize that we are all one. This
2 nation belongs to all of us, all Liberians born in this land,
3 and the fourth and fifth generations of Liberians should not be
4 identified by tribe, but identified internationally by their
5 country of origin, even though we must respect each other as a
6 diverse group of people and try to capitalize on the
7 opportunity and the unity that diversity brings with it.

8 "Therefore, I call upon all the fighters of the NPF
9 to stop fighting the LPC, stop fighting ULIMO. ULIMO, stop
10 fighting NPFL. ULIMO, stop fighting ULIMO because those that
11 you are fighting for, they are the problem. The problem that
12 you're fighting against are not the problem.

13 "We hope, we pray that the LNTG government will be
14 sustained. The LNTG government must not fail. The LNTG
15 government must lead us to free, fair, and democratic
16 elections.

17 "We are aware that the international community can no
18 longer tolerate the selfish aims and objectives of a handful of
19 people who just continue to create a nightmare for our nation.
20 They will not tolerate this.

21 "The United Nations and the world have expended a
22 whole lot of money in this country to solve our problem, and
23 through the LNTG the solution to this problem must come. The
24 elections must come. And those of us that are in the
25 leadership of NPFL are committed to the LNTG.

1 "Mr. Taylor and Mr. John T. Richardson are not the
2 NPFL. John Richardson was a displaced person who we picked up
3 from Dupolk Road (phonetic). He does not know where the NPFL
4 is coming from. He is only looking at the NPFL from a racist
5 point of view. Mr. Charles Bright was a businessman fighter
6 with Prince Johnson and any other group that he can take
7 advantage of. So these are not the representatives of our
8 people across the nation for this noble goal.

9 "The NPFL is the same as LPC; it is the same as
10 ULIMO; it is the same as AFL. We are all one and the same
11 people trying to bring a better Liberia for all of us. It is
12 unfortunate that we had to use weapons. But those of us that
13 were involved in the fight are prepared to put the weapons down
14 and let politics prevail.

15 "So therefore we call on the state council to
16 maintain its vigilance. We call on the TLA to maintain their
17 vigilance. We call on ECOWAS to maintain their vigilance. We
18 call on Nigeria in particular and thank them and the people of
19 Nigeria, the citizens of Nigeria, the leaders of the Republic
20 of Nigeria for their endurance, for their perseverance, for
21 their dedication to Africanism, to the survival of this nation
22 as a nation, and we call upon them to maintain their vigilance
23 and we see this conflict to end as a regional power.

24 "I look forward to the day when this conflict comes
25 to an end with all the ECOWAS flags, Nigeria's flags leading in

1 a parade in the City of Monrovia, and around this country in
2 celebration of the victory of the people of Liberia and the
3 sustenance of their sovereignty. If Mr. Taylor cannot see
4 that, then he will just have to get out of our way, and we must
5 not continue to kill each other for this purpose.

6 "We would like to call upon the international
7 community, the UN, OAU, ECOWAS, and all the regional leaders,
8 Ghana, Guinea, Sierra Leone, the Ivory Coast, the entire ECOWAS
9 countries, especially the regional countries that have
10 contributed troops here, to maintain their vigilance in the
11 name of the Liberian people, in the name of Africa, and not to
12 dwell on the failures, but on the successes and the relative
13 peace that is coming. And I pledge, and the people in the NPFL
14 pledge that they will do their best to bring this situation to
15 an end through politics, through democratic means, as quicky as
16 possible."

17 MR. WRIGHT: With the Court's permission, we ask that
18 Special Agent Lohmeier, before -- well, before we go to that,
19 Your Honor, if we may have Government Exhibit I-36 published.

20 That is the -- an enlargement of a photograph that's
21 part of this ancient document and that's already been admitted
22 into evidence.

23 THE COURT: Any -- any --

24 MR. WILSON: None, Your Honor.

25 THE COURT: Is it all right?

1 MR. WILSON: Yes, Your Honor.

2 MR. WRIGHT: Now, with the Court's permission, --

3 THE COURT: Okay.

4 MR. WRIGHT: -- we'd like to have Government Exhibit
5 KK-4 read.

6 THE COURT: Okay.

7 MR. WRIGHT: It's been admitted into evidence.

8 (Pause)

9 MR. WRIGHT: With the Court's indulgence, if we can
10 have just one moment.

11 THE COURT: Sure.

12 (Pause)

13 THE COURT: Okay.

14 MR. WRIGHT: With the Court's permission.

15 THE COURT: Certainly.

16 SPECIAL AGENT LOHMEIER: "Horrors of War. After a
17 lull of about two years in the Civil War in Liberia, Charles
18 Taylor's National Patriotic Front of Liberia (NPFL) launched
19 attacks on ECOMOG positions and the people of Monrovia on
20 October 15, 1992.

21 "The NPFL fighters abducted thousands of civilians in
22 and around Monrovia and made them walk for miles to areas under
23 their control. Many died from hunger and exhaustion. In the
24 following narrative, a Liberian journalist, Robert Sonnie
25 Morris, who managed to return to Monrovia recently, tells of

1 his abduction and ordeal behind NPFL lines.

2 "Friday night, October 23, 1992 will remain etched in
3 my memory. It was when forces of the NPFL entered Cadwell and
4 parts of New Crewe Town, all suburbs of Monrovia.

5 "Around 8:00 that night, I heard sporadic shooting
6 in Duwalla" --

7 MR. WILSON: Your Honor, --

8 SPECIAL AGENT LOHMEIER: -- my area --

9 MR. WILSON: Your Honor, may we see you at sidebar?

10 THE COURT: Sure. Let me just get the document up.

11 (Sidebar begins)

12 THE COURT: I don't know what it is.

13 MR. WILSON: It's 34.

14 THE COURT: No, I know that.

15 MR. WILSON: Okay.

16 THE COURT: KK --

17 MR. WRIGHT: KK-4, Your Honor.

18 THE COURT: KK-4. There it is. I'm getting to it.
19 I'm getting to it.

20 MR. WILSON: It's going to be very hard to read that.

21 THE COURT: Yeah, it sure is.

22 MR. WILSON: It's better to have you watch on the
23 screen.

24 THE COURT: All right. Tell me what -- what is --

25 MR. WILSON: So basically, Your Honor, we agreed that

1 this was -- that this qualifies as an ancient document for
2 purposes of the rules, but it's an ancient document that
3 contains hearsay. It's not the words of Tom Woewiyu. It's not
4 the words of anybody else. It's the words of a -- of a person
5 who is not -- is not present and has not given testimony, and
6 we do not have a chance to cross-examine him on what he's going
7 to write in here.

8 THE COURT: That's true for all of these.

9 MR. WILSON: Well, no, most of these are our -- our
10 client's statements, so --

11 THE COURT: Some are some aren't.

12 MR. WILSON: There was some -- some of the BBC
13 recorded --

14 THE COURT: You're telling me that the only -- you're
15 arguing that the only -- that the ancient documents were --
16 just has to deal with -- with -- with authenticity and nothing
17 else?

18 MR. WILSON: It -- it has to -- the ancient document,
19 the purpose of the rule was that it give some authenticity to
20 an old -- older document. However, it has to be -- it contains
21 within that ancient document hearsay that we can't confront,
22 that we can't cross-examine. And for that reason, it should
23 not be admissible because of our right to confront -- you know,
24 the right of Mr. Woewiyu to confront people whose testimony is
25 being presented. In this case, the testimony is being

1 presented by somebody that we can't confront.

2 THE COURT: That's always true with the ancient
3 document rule. But that's what the ancient document rule is.

4 MR. WILSON: But --

5 THE COURT: I wish you had brought this up pretrial.

6 MR. WRIGHT: Your Honor, he did bring it up pretrial,
7 but the problem -- but the argument is that the law is on the
8 other side under Langdor (phonetic).

9 Langdor facts says that as long as it's the firsthand
10 observation of the author, that there's not an issue. And
11 that's what the law is. And this is -- this individual who was
12 there. The only issue that ever exists is if this ancient
13 document, is if it's being reported to someone. And the Third
14 Circuit said, well, there may be a problem there because there
15 could be a mistake in the transmissions. But that's not the --

16 THE COURT: Not this.

17 MR. WRIGHT: It's not this. It's not this issue.
18 This is his firsthand account. And so under Langdor, on the
19 ancient document, this is admissible. Those are the rules of
20 evidence in this circuit, respectfully.

21 THE COURT: Well, I -- I don't have a problem with
22 what you're saying at all. The only thing is, do you think
23 that the jury should know that?

24 MR. WRIGHT: Should know that this --

25 THE COURT: That this is -- this is being admitted

1 because it's an ancient document and that's the law, and that
2 under those circumstances you are not given a right to cross-
3 examination, but that's what it's supposed to be.

4 MR. WILSON: Your Honor, I'm just here to note that
5 we are objecting on confrontation clause grounds. Regardless
6 of what the hearsay rules say, this is testimony that's being
7 given --

8 THE COURT: I understand.

9 MR. WILSON: -- without an opportunity to cross-
10 examine, --

11 THE COURT: I understand that.

12 MR. WILSON: -- without an opportunity to --

13 THE COURT: I understand the ancient documents rule.
14 That's okay. So if it isn't, you can -- you certainly can
15 reexamine it. Your objection is certainly preserved.

16 MR. WILSON: Thank you, Your Honor.

17 THE COURT: Okay.

18 (Sidebar ends)

19 THE COURT: Okay.

20 SPECIAL AGENT LOHMEIER: I can continue?

21 THE COURT: Yes, you can continue.

22 SPECIAL AGENT LOHMEIER: "Around 8:00 that night, I
23 heard sporadic shooting in Duwalla, my area. I heard sounds of
24 different types of weapons. It was a serious exchange of fire
25 between ECOMOG and the rebels. This lasted for three hours.

1 "By 11 p.m., the rebels had captured the areas
2 mentioned above after the ECOMOG soldiers had withdrawn their
3 base in the compound of the Liberia Free Zone Authority (LFZA)
4 on Bushrod Island. Heavy shooting ensued the entire night.
5 Window glasses were broken and bullets penetrated some houses.
6 Shops, stores, and cars were looted. I prayed for the ground
7 to open, but it did not.

8 "Later I heard abusive and obscene language being
9 used against ECOMOG, the interim government, the AFL, Armed
10 Forces of Liberia, as well as against people of the Krahn and
11 Mandingo ethnic groups. I knew then that it was the rebels,
12 who are notorious for their vulgarity and vandalism.

13 "The majority of the NPFL fighters belonged to the
14 Gio and Mano ethnic groups. I then said to myself, Lord, these
15 people are around, save me.

16 "By 6:30 the following morning, Saturday, October 24,
17 the rebels, looking fearful by their dressing, began calling
18 residents of the areas to come out of their houses for
19 interrogation and to be taken to Gonjaland, Taylor's territory.

20 "I came out with my nephew Kingsley and we joined
21 other residents who had emerged from their houses. The rebels
22 began asking for people who were working for the interim
23 government, people of the Mandingo and Krahn tribes and for AFL
24 soldiers.

25 "Adjacent to my house, the rebels instantly killed a

1 man because of his Mandingo accent. They asked us not to take
2 along any Liberty, a \$5 banknote issued by the interim
3 government. They warned strongly that if anybody was caught
4 with Liberty, he would be killed. I saw people throwing
5 thousands of Liberty notes into the bushes.

6 "The rebels intensified their atrocities by beating
7 people and killing others because of their tribes in connection
8 with the interim government. Their personal belongings were
9 taken away from them.

10 "It was a crime to carry gold chains, rings, watches,
11 shoes, coins, money, and other valuables to Taylor's territory.
12 All these items were taken from us. Women were stripped naked
13 and their vaginas opened to see whether they had jewelry hidden
14 in there. My gold ring, sneakers, and watch were taken away
15 from me.

16 "I walked barefoot for miles before reaching our
17 destination. Along the way, the rebels were raping women and
18 young girls between the ages of 12 and 15. It was a crime for
19 one to work for his government. Because of my connection with
20 the past government as assistant minister and now with interim
21 government, I had to hide my identity. But this survival
22 strategy did not work throughout the journey.

23 "At one point, the rebels ordered me to sit on the
24 ground for almost two hours, asking me all kinds of unnecessary
25 questions. I answered their silly questions with extreme

1 caution. I was released, but it did not take long before I was
2 grabbed and asked what I was doing in Monrovia, after Taylor
3 had ordered people to leave the city and go to his territory
4 for their safety.

5 "In order to save my life, I told them that I had
6 undergone an operation and I was taking treatment at a
7 hospital. Luckily, I had an old operation mark on my stomach.
8 I showed it to them. Suddenly, one of them kicked me and I
9 dropped. 'Don't you know that the President Taylor has good
10 hospitals in this area?', he asked me. They then let me alone.
11 Since then, the part of my body where the rebels kicked me has
12 been bothering me. I have been taking treatments since I came
13 back to Monrovia in March of this year.

14 "We reached Johnsonville, outside Monrovia, around
15 2 p.m. that Saturday, October 24, 1992. There the rebels
16 showed us some bodies of ECOMOG soldiers they had slaughtered.
17 Some of the soldiers' throats were cut, while others were shot.
18 The rebels were wearing some of the uniforms and boots they had
19 taken off the dead soldiers.

20 "Tears had begun in our eyes, but we could not cry as
21 we were afraid of being shot on the spot if we did. They
22 boastfully told us, look at the gods, ECOMOG soldiers, you all
23 and Amos Sawyer were worshiping in Monrovia. They then
24 shouted, 'Get your asses from here. We're sending 20,000 men
25 to take the executive mansion today.'

1 "Immediately we began walking fast in order to leave
2 the area. It was raining that day and we had to walk in the
3 rain, crossing the mud and creeks. As we walked in the creeks,
4 we'd drink the water in them because we were extremely thirsty.

5 "Before we reached Fandell, one of the rebels who
6 knew a man who was with us secretly told him that they, the
7 NPFL fighters, had decided to kill all residents from Duwalla,
8 Monrovia that night because the Duwalla residents were the ones
9 who were pointing out the rebels to ECOMOG soldiers whenever
10 the rebels came to Monrovia to purchase goods or just spy on
11 ECOMOG.

12 "The rebel advised the man not to tell the fighters
13 that he was from Duwalla. When the rebel left, the man
14 revealed the information to us, and so all of us from Duwalla
15 decided to give the rebels wrong addresses in order to save our
16 lives.

17 "Around 3:30 that afternoon, we reached the Fandell
18 Campus of the University of Liberia. The rebels began asking
19 for all of those from Duwalla. They mounted a checkpoint and
20 started asking men, women, children whether they were from
21 Duwalla. They became furious when everyone gave a wrong
22 address. They insisted that they wanted to see the people from
23 Duwalla because they themselves had been to Duwalla and taken
24 people from there.

25 "They began asking each of us to point out people

1 whom we knew were from Duwalla. Some people were detained at
2 that checkpoint for further interrogation. I don't know what
3 happened to them later.

4 "We were very, very hungry when we left the Fandell
5 Campus. We had not eaten anything that whole day. We went to
6 a farm to dig some cassava to eat. Unfortunately, the farm was
7 virtually empty, as abductees from Gardnersville, another
8 suburb of the capital and other areas, had gone before us and
9 eaten all the cassava while on their way to Taylor's territory.

10 "We, however, picked up the cassava buds, which had
11 been thrown on the ground, and ate them like groundhogs would.
12 We peeled the cassava buds with our fingernails and teeth. We
13 became hogs overnight.

14 "We did not know exactly which part of Taylor's
15 territory we were heading for. When we asked the fighters,
16 they told us to keep going and we just kept going. When we
17 were approaching a checkpoint around 15 Gate near Harbel, I saw
18 many rebels, including G2 officers, security officers, and
19 police officers. I observed that one of the rebel officers was
20 staring at me.

21 "Before we reached the checkpoint, he pointed me out
22 to his colleagues and called my full name. He said, 'I know
23 that man. He served in Doe's government and he is now with
24 Sawyer's radio station, the Liberia Broadcasting System (LBS).'
25 My spirit left me at once as I walked up to them for

1 interrogation.

2 "Later, heavy shooting started and bullets started
3 flying around. Fighters did not know who was doing the
4 shooting. Everyone, including the fighters, took cover. I
5 used this God-given opportunity to slip away from the area.

6 "About 6:30 that evening, I reached 15 Gate, the
7 gateway to Taylor's territory where wanton killing of civilians
8 took place. Taylor's television crew were there recording
9 displaced people entering that territory. About 5,000 people
10 were lined up and interrogated. Some who did not pass the test
11 were detained. I began praying for it to get dark before my
12 turn so as not to be pointed out again.

13 "As fate would have it, it got dark when I reached
14 near the T.V. crew. They could not televise the scene as there
15 was no electricity. The rebels then asked me some questions,
16 which seemed foolish to me. The most annoying part was that
17 abductees were not asked questions by just one rebel. While
18 one rebel was asking questions, his colleagues would join in
19 all kinds of other questions. However, after answering them, I
20 was allowed to pass.

21 "I arrived in Kingsville No. 7 around 10:30 that
22 night. It took me 15 hours that Saturday to walk from Duwalla
23 to Kingsville, which is adjacent to the Firestone Plantation
24 Company and about two miles from Kakata.

25 "Thousands of displaced people, hungry and exhausted,

1 were on the streets. Some were in churches and abandoned
2 houses, while others went elsewhere. I went to Eldora
3 (phonetic) Church in that area and stayed there for almost five
4 months.

5 "During my stay in Kingsville, I had some terrible
6 experiences; harassment, intimidation, killing, vulgarity,
7 rape, intoxication, drugs and alcohol, stealing, detention,
8 looting, vandalism, random shooting in the air, and other vices
9 were the order of the day in Taylor's territory. Civilians
10 could not travel freely in the villages without being harassed
11 or harmed.

12 "Food and medicines were difficult to find. Charles
13 Taylor provided rice for his fighters only at the front;
14 civilians had to hustle on their own for food.

15 "When the war got hot against the rebels, Taylor
16 stopped providing them with rice. They therefore went on the
17 rampage, taking food and other things. They already used to
18 take things from people, but this time it was worse.

19 "Because of ECOMOG's air raids against the NPFL, we
20 could not stay in town. We had to run into the forest by
21 5 a.m. every day and return by 7 p.m. We did this for three
22 months.

23 "It came to the point where the rebels told us not to
24 go into the forest, as ULIMO soldiers had infiltrated the area
25 and were hiding in the forest and bushes. It became extremely

1 risky for civilians.

2 "A civilian could not walk alone to look for food or
3 sell palm nuts or other foodstuffs to survive. The rebels
4 would arrest and interrogate him, and if they were not
5 satisfied, would execute him for being on a reconnaissance for
6 ULIMO. People were killed, their bodies thrown into the bushes
7 for allegedly being ULIMO spies. It put great fear into all
8 civilians.

9 "I was constantly sick with malaria and fever. I
10 used herbs, but they were not effective. My constant illness
11 reduced my weight. I was like a skeleton. My feet were
12 covered with sores for two and a half months. I could hardly
13 sit without drawing flies.

14 "This embarrassed me and caused me to stay away from
15 gatherings on some occasions until my sores healed. The family
16 I was living with became scared for me, said, 'Young man, the
17 bullets have not killed you; will you die on our hands?' I
18 could not answer their questions. Many sick, displaced
19 persons, including children, died daily as a result of the lack
20 of medication.

21 "Some of the fighters, in order to demonstrate how
22 wicked they were, killed innocent civilians and drank their
23 blood. I recall that while we were in Kingsville around
24 November, a fighter ran to the African Methodist Episcopal
25 Church where about 1500 displaced people were lodging and asked

1 some prophets to pray for him. He appeared to be going out of
2 his mind.

3 "Seeing the fighter armed with an AK-47 automatic
4 rifle and a cartridge belt around his neck, the frightened
5 prophets said that they should all go outside and pray.
6 Outside the prophets asked him to confess his sins before
7 prayers could be said.

8 "Confessing, he said he had just wickedly killed a
9 displaced man from Monrovia. He had butchered the man and
10 drunk his blood, and after a few minutes felt as if he were
11 going crazy. That is why he had gone to the church for prayers
12 to be said for God's forgiveness. Prophets hurriedly prayed
13 for him in order to get him to leave the area. I observed that
14 the prophets wanted to safeguard their own lives by praying for
15 him. He appeared desperate.

16 "The rebels did not like to hear people saying
17 positive things about ECOMOG. They had been brainwashed by
18 Taylor against ECOMOG to the point where it could be seen as
19 treason for civilians to talk about peacemakers in Gonjaland.

20 "I recall that in February, when ECOMOG captured
21 certain parts of Bensenville and Careysburg, people in
22 Division 7 and other surrounding towns and villages were happy
23 that the ECOMOG soldiers were on their way to rescue us. We
24 were all delighted because the regional force was on its way to
25 free us from bondage and bring us back to Monrovia. But we

1 could not allow our delight to show, knowing the kind of people
2 who were around us.

3 "However, one displaced fellow called Roosevelt who
4 was living in Jimmy Katatown (phonetic) near Division 7 became
5 overjoyed and told a displaced lady the news, not knowing that
6 she was having secret love affairs with some of the rebels.
7 She went and reported him to the commander of the Cobra Unit.

8 "Early the next morning, the commander sent his man
9 to go and arrest Roosevelt. After interrogating him at their
10 headquarters, he was stripped naked, tied and beaten severely
11 for spreading news about ECOMOG. After the flogging, he was
12 released with his mouth bleeding and his back looking like
13 someone who had had leprosy for 10 years.

14 "When I arrived in Kingsville, I had one pair of
15 trousers, a brief, and a T-shirt to my name. The family that
16 put me up felt sorry for me and gave me a pair of trousers, a
17 shirt, and an old pair of slippers, which got cut every two or
18 three days. I patched those slippers so often that they could
19 not be patched anymore.

20 "In fact, thousands of displaced people had nothing
21 to wear, as the rebels had taken almost all their clothes off
22 them. We were looking like prisoners. There came a time when
23 it was difficult to find soap to purchase, and if one was
24 fortunate enough to find it, it was costly.

25 "As a displaced person, I had no money and so did not

1 bathe with soap for almost three months. As a result, I got
2 eczema on my skin. This disease is commonly known in Liberia
3 as dishcloth. I used some herbs to treat it. The disease
4 caused by lack of soap affected most of the displaced people.

5 "Another commodity that was hard to find was salt.
6 Whenever it was available, it was sold in small quantities for
7 an exorbitant price. A small bag was sold for \$50. Thousands
8 of displaced people could not afford to buy food and so had to
9 go for days without.

10 "The only thing we could get for nothing was palm
11 nuts, which were abundant in the villages. One only needed to
12 climb the palm trees and cut as many bunches as one wanted
13 without paying a cent. We used the palm nuts to prepare palm
14 butter, a popular Liberian dish. However, certain basic
15 ingredients, like fish, meat and salt, to give it the right
16 flavor, were not available.

17 "Saturday, February 28, 1993 is a day I will never
18 forget. It was the day I thought I was going to die because of
19 heavy bombardment in the town in which I was seeking refuge.
20 This was the date that ECOMOG began its rescue operation to
21 free us from the hands of the rebels.

22 "It all started at 7:30 that Saturday morning. After
23 morning prayers, I decided to take a walk around the town,
24 think about when I would get my freedom. Suddenly, I heard the
25 sound of a very powerful rocket that dropped in the nearby

1 bush. The sound frightened everyone.

2 "About 20 minutes later, another powerful rocket
3 landed. People panicked and starting running everywhere,
4 including the rebels. Around 10 a.m., there was complete
5 silence in all the town and villages as everyone listened for
6 another rocket to drop.

7 "At 11 a.m. the rebels began retreating by the
8 hundreds; old men, young men, women and children from their
9 positions at 15 Gate and other areas. It was then that it
10 became clear that the peacemakers, ECOMOG, were on their way.

11 "At noon approximately 700 rebels were in Bonga town,
12 a town near Iron Village in Careysburg District, which is one
13 and a half miles from No. 7, took to their heels and assembled
14 in the churchyard where I was staying.

15 "All the civilians in the yard were gripped with fear
16 as the rebels were usually in the habit of taking civilians
17 along with them whenever they retreated. No civilian wanted to
18 go with them. Everyone was praying for ECOMOG to show up as
19 soon as possible. We closed our windows and peeped through
20 them.

21 "The rebels had a limited supply of weapons, a few
22 RPGs, hand grenades, and a pillowcase full of ammunition. With
23 regard to food, they had less than 30 cupfuls of rice in a bag.
24 They became confused. They did not know where to run or what
25 to do.

1 "While they were discussing the matter, they realized
2 that they were surrounded on all sides, on land, by sea, and in
3 the air. ULIMO was around Kakata; ECOMOG was in Harbel and
4 around Bensenveille. From the ocean, around Marshall City,
5 ECOMOG warships kept firing warning shots. And in the air, an
6 ECOMOG jet, which Liberians had dubbed the doodoo bird, was
7 looking for them, largely scarring them away.

8 "The rebels then realized they were in danger. At
9 this point, they decided to disarm the children known as small
10 soldiers. The way we see this thing, they said, the children
11 cannot fight it; we have to take the guns from them.

12 "At this time, the civilians are praying for the
13 rebels to leave the area. And as God would have it, another
14 rocket dropped and the ground shook as if an earthquake had
15 occurred. The roofs of houses shook. Dishes on tables fell to
16 the ground. Some civilians ran out of their houses while
17 others hid under their beds. I stayed under my bed until the
18 next morning, which was Sunday.

19 "The rebels left the yard during this pandemonium.
20 For most of the night, bombardments and shooting continued from
21 the direction of ECOMOG troops. Trees were feeling, but either
22 by design or miracle, the bombs avoided population centers.
23 There was a torrential downpour all that night.

24 "No one could sleep, as all were praying for survival
25 and anxiously awaiting the arrival of the peacemakers. The

1 rebels fired no shots at ECOMOG because they had all fled.

2 "Around 6:45 a.m. on Sunday, February 29, we heard
3 shouts of jubilation as people took to the streets with their
4 belongings. When we opened our door and came outside, we were
5 told that ECOMOG had taken over the area and were calling on
6 all civilians to go to a safety zone. 'All civilians come out;
7 we are here to save you,' an ECOMOG officer shouted. I jumped
8 for joy. I took my few belongings, one T-shirt, a pair of
9 trousers, and a Bible, and joined the crowd.

10 "We were directed to go to a town adjacent to 15 Gate
11 for debriefing and registration. I was not well and so could
12 not run. Rockets were still flying, but were dropping further
13 away. I managed to reach the safety zone.

14 "After the debriefing and registration -- name,
15 nationality, sex -- we were put on several trucks and taken to
16 the Careysburg Police Station that afternoon. The rebels had
17 been using that building for their security operation, but had
18 fled before ECOMOG captured the area. We slept there on Sunday
19 night and by 11:30 a.m. Monday morning, March 1st, 1993, were
20 taken to Monrovia.

21 "On our way, we sang and praised ECOMOG for saving
22 our lives and freeing us from the hands of the so-called
23 freedom fighters who continued to terrorize and kill their
24 fellow Liberians. When we entered Monrovia around the red
25 light in Paynesville, hundreds of citizens were shouting and

1 dancing for joy to see us return. 'Thank God our people are
2 coming back from rebel territory,' they said. It took us two
3 hours to get to Monrovia.

4 "Upon our arrival, ECOMOG took us to the Sims
5 Community School in Caldwell for another debriefing session and
6 registration. When I disembarked from the truck, I could
7 hardly stand on my feet. My eyes could not see clearly and I
8 was extremely weak. I fell to the ground. Two ECOMOG soldiers
9 lifted me up and carried me inside the school building for
10 emergency treatment. I was given something to eat.

11 "While eating, I saw some security officers from the
12 Executive Mansion, the presidential palace, whom I have known
13 for many years. They saw me, but were not sure who I was
14 because news had circulated in Monrovia that I had been killed
15 by the rebels. Moreover, I had become so slim that I could not
16 be easily identified. However, they came closer and said,
17 'Morris, are you the one?' Then they shook my hand and
18 introduced me to the ECOMOG officers after I answered yes.

19 "The security officers proceeded to the Liberia
20 Broadcasting System (LBS) and informed the director general of
21 my return to Monrovia. Hearing this good news, he drove to
22 where I was with a note from the ECOMOG field commander, handed
23 it to the ECOMOG officer in charge of the school building and I
24 was released.

25 "I got into her car and she drove me to my residence

1 in Duwalla. My family and friends were delighted to see me.
2 Many of them cried for joy. However, I received distressing
3 news. My fiancé told me that my five-month-old child had died
4 during the height of the October 15 attack on Monrovia and had
5 some burns. I felt bad and began to weep. Later I discovered
6 that my house was looted and I would have to start from
7 scratch."

8 MR. WRIGHT: Your Honor, I don't have any further
9 questions of Special Agent Lohmeier --

10 THE COURT: Okay.

11 MR. WRIGHT: -- at this time.

12 THE COURT: Okay. Is there going to be some --

13 (Transcriber change)

14 MR. WILSON: Your Honor, may I just have a couple
15 moments?

16 THE COURT: Sure.

17 (Pause)

18 CROSS-EXAMINATION

19 BY MR. WILSON:

20 Q Ms. Lohmeier, you read from just a couple of portions
21 from Government's Exhibit number 30 -- I-34. Correct?

22 A Yes, sir.

23 THE COURT: I-34? I didn't have that down as one. I
24 have 35 and 36. You read from 34? Okay.

25 Q And that is -- what you read from is the -- titled "The

1 Woewiyu testimony to the Liberian TRC that was never given,"
2 correct?

3 A Correct.

4 Q Okay. And it's addressed to Mr. Chairman and Members of
5 the Truth and Reconciliation Commission, government officials
6 present, members of the clergy, chiefs, elders, fellow
7 Liberians, ladies and gentlemen, correct?

8 A Correct.

9 Q Okay. And the copy we have is as reported in African
10 Panorama, correct?

11 A Yes, sir.

12 Q Which is a periodical focused on Africa, correct?

13 A To my understanding, yes.

14 Q And there's nothing on I34 that indicates when this was
15 published, is that right?

16 A Not to my knowledge, sir.

17 Q Now you initially read from page 2 beginning with that
18 one, two, three, four -- the fifth paragraph under "Apology?"

19 A Yes, sir.

20 Q At the top of page 3 there's a heading "Key Contributors
21 to the Cause of the Liberian People," correct?

22 A Yes.

23 Q And you did not read that part, you skipped to page 7,
24 correct?

25 A Yes, sir.

1 Q Now this whole statement, "The Woewiyu testimony to the
2 Liberian TRC that was never given," that was -- it goes to page
3 17, correct?

4 A Yes, sir.

5 Q And this was while the TRC, this was published while the
6 TRC was still in effect, correct?

7 A I'm not exactly sure when this was published, sir.

8 Q Okay. Well, the TRC, the Truth and Reconciliation
9 Commission, you know what that is, correct?

10 A Correct.

11 Q Okay. And just briefly, this is a commission that filed a
12 final report in the year 2009, isn't that right?

13 MR. WRIGHT: Objection. That assumes facts not in
14 evidence, Your Honor.

15 THE COURT: Sustained. She may not know that.

16 MR. WILSON: Well, I'm --

17 BY MR. WILSON:

18 Q Did you know whether the TRC ultimately filed a final
19 report?

20 A Yes, sir.

21 Q Okay. And during your course -- you were assigned to an
22 investigation that involves Mr. Woewiyu, correct?

23 A Correct.

24 Q Okay. And you investigated him up to a point at which you
25 were transferred to other duties, correct?

1 A Yes, sir.

2 Q Okay. And when was that that you were transferred?

3 A I was transferred last April.

4 Q Okay. So during the investigation of Mr. Woewiyu, you
5 became familiar with the final report of the TRC, correct?

6 A I became familiar with it.

7 Q Okay. And you looked in that final report to see what it
8 said about Mr. Woewiyu, correct?

9 A Correct.

10 Q Okay. And you -- the report's quite long, isn't that fair
11 to say, 300, about 300 pages, or a little over 300 pages?

12 A Yes, sir.

13 Q Including the appendices that are at the end, correct?

14 A Correct.

15 Q You -- at the beginning of the report, it describes the
16 methodology that was used, does it not?

17 A I would have to look at the report.

18 Q Okay. Well, were you familiar with the fact that the
19 commission essentially did investigation for about three years?

20 A I'm not sure --

21 MR. WRIGHT: Object--

22 A -- how long the commission --

23 THE COURT: Sustained.

24 Q Were you familiar with who the commissioners were for the
25 Truth and Reconciliation Commission?

1 A I know there were commissioners for it, yes, sir.

2 Q Okay. Do you know whether they were Liberians or whether
3 they were individuals from other countries?

4 A I'm not sure to what extent.

5 Q Did you ever talk to any of the commissioners as part of
6 the investigation of Mr. Woewiyu?

7 A Yes, sir.

8 Q In the report, or --

9 THE COURT: Let me see you at sidebar a second. I
10 want to make sure that I understand this.

11 (Sidebar begins at 12:27 p.m.)

12 THE COURT: Had you objected to this line of
13 questioning before --

14 MR. WRIGHT: We did object to it but if they're gonna
15 open the door to this where it talks about him ordering the
16 murder of six civic --

17 THE COURT: Oh, but --

18 MR. WRIGHT: -- police peacekeepers, he's gonna open
19 the door to that, Your Honor --

20 THE COURT: Well, okay, because you have no problem
21 with testifying about --

22 MR. WRIGHT: Oh, let him open it. And as long
23 as --

24 THE COURT: There's no objection to this line?

25 MR. WRIGHT: No, let him go ahead.

1 THE COURT: Okay, I thought maybe that there was an
2 objection --

3 MR. WRIGHT: No --

4 MS. HENRY: It would be one question if she did
5 interview, we didn't receive any 302 of any interviews with
6 commissioners, that would be helpful.

7 MR. WRIGHT: That wasn't part of -- we don't have a
8 commissioner who is a witness in this case.

9 THE COURT: Yes, but they can call them if they want
10 to.

11 MR. WRIGHT: Well, if they want to, but we don't have
12 a commissioner who's a witness, there's no witness who's a
13 commissioner --

14 THE COURT: Well, then it isn't cross-examination
15 because you certainly can --

16 MS. HENRY: We'll find out more than -- this is the
17 first we're hearing about it, so.

18 MR. WRIGHT: But Your Honor, if they go down this
19 path, I'm gonna go down this path about what the TRC found
20 about him, about him ordering the murders of six civic police
21 peacekeepers.

22 THE COURT: Well, they can do whatever they want.

23 MR. WRIGHT: Very well.

24 THE COURT: I'm not gonna stop them. I just wanted
25 to know whether or not -- for some reason I thought I missed an

1 objection by you but there was not.

2 MR. WRIGHT: No, I did object earlier, Your Honor.

3 THE COURT: What did you object on?

4 MR. WRIGHT: There were a couple of things. Number
5 one, she's not competent to talk about the TRC. It's all
6 hearsay --

7 THE COURT: That's all she was doing is reading.

8 MR. WRIGHT: Right. I mean, it has nothing to do
9 with --

10 THE COURT: I thought that was the basis and you may
11 have misunderstood my ruling. Okay. All right. Well, if
12 that's the basis of your objection, and you're not -- she's
13 not, as far as I'm concerned, she was there as a reader. It
14 could have been anyone else in this courtroom.

15 MR. WRIGHT: That's true, Your Honor.

16 THE COURT: You didn't question him, you didn't
17 question anyone else. I'm not gonna let you go forward with
18 it.

19 MS. HENRY: With this line of questioning.

20 THE COURT: You can take it in your own case. I have
21 no problem with that.

22 (Sidebar ends, 12:29 p.m.)

23 THE COURT: Okay. That's just my ruling. If you
24 wish to present this -- and you can certainly call her in your
25 own case --

1 MR. WILSON: Thank you, Your Honor.

2 THE COURT: -- if you wish.

3 MR. WILSON: Your Honor, if I may just consult with
4 my colleague.

5 THE COURT: Sure.

6 (Pause)

7 MR. WILSON: I have no further questions. Thank you,
8 Your Honor.

9 THE COURT: Okay.

10 MR. WRIGHT: Nothing from the Government, Your Honor.

11 THE COURT: You may step down.

12 THE WITNESS: Thank you.

13 THE COURT: Your next witness, if any. Your next
14 reading, or what have you.

15 MR. THAYER: No reading, Your Honor, but a little bit
16 of watching and listening.

17 THE COURT: Okay.

18 MR. THAYER: Next witness is Gary Lang.

19 (Pause)

20 GARY LANG, GOVERNMENT'S WITNESS, SWORN

21 THE CLERK: Sir, would you state and spell your name
22 for the record, please.

23 THE WITNESS: My name is Gary J. Lang.

24 THE CLERK: Spell your last name, please. Spell your
25 last name, please.

1 THE WITNESS: L-A-N-G.

2 THE CLERK: Thank you, sir.

3 MR. THAYER: May I proceed, Your Honor?

4 THE COURT: Certainly.

5 DIRECT EXAMINATION

6 BY MR. THAYER:

7 Q Good afternoon, sir.

8 A Good afternoon.

9 Q I notice that you got a device which you're adjusting.

10 A Right.

11 Q And we may need to make some adjustments with that as we
12 go forward. If you wouldn't mind, would you just let the jury
13 know kind of what's going on with this, so when they see you
14 making some adjustments, we understand.

15 A Thank you. I have severe tinnitus. It's a severe ringing
16 in both ears. I also have probably 60 percent hearing loss.
17 It was a result of my exposure to an explosion years ago. So I
18 have this device to help me better hear and understand
19 conversations.

20 MR. THAYER: And we will be, Your Honor, playing some
21 tapes and we may need to very quickly adjust volume and so
22 forth if Mr. Lang has some reactions to the volume.

23 THE COURT: Okay, no problem.

24 BY MR. THAYER:

25 Q Sir, can you tell us how old you are?

1 A How old am I?

2 Q Yes.

3 A I'm 64 years old.

4 Q And what do you do now for a living?

5 A I, for the last ten years after I retired from the Federal
6 Government, I've been the independent monitor and special
7 compliance official overseeing defense contractors that
8 willfully violated the Arms Export Control Act, and basically
9 letting munitions, defense articles and technologies in the
10 wrong hands of people.

11 So what the independent monitor responsibility is,
12 they're appointed by the Government to oversee the defense
13 contractors, to make sure they have a strong compliance program
14 in place, to make sure that there are controls to protect U.S.
15 technology.

16 In that position, I also was responsible for
17 overseeing the ethics and compliance program and program to
18 make sure that companies were not dealing with countries that
19 were under a U.S. embargo. That was both in the U.S. and
20 internationally.

21 Q All right. I detect a ever so slight accent. Can you
22 tell us where you were born and raised, sir?

23 A I was born and raised in New York.

24 THE COURT: I recognize it.

25 (Laughter)

1 Q Can you tell us a little bit about your educational
2 background? Where did you live, sir?

3 A I went to school in New York, graduated with a pre-
4 medicine degree.

5 Q So where did you go wrong? Can you tell us what you did
6 after you graduated from college?

7 A So at the time back in the seventies, my grades were good
8 enough but you had to go to medical school outside the country
9 and then you'd have to come back into the United States and go
10 back to medical school, so I said okay. So I applied for
11 government jobs because I liked investigating. I was looking
12 to be a pathologist, so they're investigating, you know, health
13 issues.

14 Q And did you actually begin a career in government service,
15 sir, at that point?

16 A Yes, sir, I did. I began a career in the Food and Drug
17 Administration as an investigator.

18 Q And how long did you do that?

19 A I did that for approximately, about seven years.

20 Q And did you leave the FDA at some point after that seven
21 years?

22 A Yes.

23 Q Where did you go?

24 A I went as a special agent to the Department of Defense,
25 and then from there I was able to get a position with United

1 States Customs Service as a special agent down in Miami,
2 Florida.

3 Q And can you tell us a little bit about what kind of work
4 you did when you were a U.S. Customs Service special agent in
5 Miami?

6 A In South Florida, in Miami, we conducted a number of
7 investigations. I worked on marine smuggling, smuggling via
8 aircraft, and also on violations of the Arms Export Control Act
9 and ITAR, but in that case I was working in a undercover
10 capacity.

11 Q And before we get to what ITAR means again and so forth,
12 can you tell the members of the jury a little bit about some of
13 your undercover experience while you were a special agent with
14 the U.S. Customs Service? What kind of undercover roles were
15 you playing and what kind of cases were you in, sir?

16 A Okay, in Miami, there was an approved undercover
17 operation, again, specifically to investigate violations, or
18 potential violations of people that would illegally smuggle
19 arms, munitions, and we would work a number of cases. We
20 actually set up a storefront at a warehouse where we would work
21 -- where I would work full time undercover to conduct these
22 investigations in a undercover capacity.

23 Q And when you say a storefront, what do you mean, sir?

24 A It was an office with several offices and we had a
25 warehouse and the business that I was working in was a

1 storefront that dealt in aircraft parts.

2 Q And so what was the purpose of having this undercover
3 storefront? How was it intended to assist in these
4 investigations?

5 A It was an avenue, an investigative avenue where we could
6 actually meet with these potential violators in a undercover
7 capacity and record the conversations.

8 Q Now you mentioned the Arms Export Act and ITAR. Again
9 just briefly, what are those?

10 A Those are federal -- federal statute is the Arms Export
11 Control Act, where under that is the International Traffic and
12 Arms Regulations. Those laws are in place to really outline if
13 you're gonna be in the business of dealing with arms,
14 munitions, defense articles, technologies, that you have to do
15 it within the proper controls.

16 And in this situation, all of the exporting of these
17 arms would require a state license, state department license to
18 export them legally. If you move them out of the country
19 without that license, you are violating that statute and those
20 regulations.

21 Q And when you were engaged in this undercover operation,
22 did you have an undercover identity?

23 A Yes, I did.

24 Q And what was that, if you remember?

25 A I believe it was Garrison F. Luhr, or better known as Gary

1 F. Luhr.

2 Q And how do you spell that last name, Luhr?

3 A L-U-H-R.

4 Q L-U-H-R, okay. And at the storefront, were there other
5 undercover officers who were part of this operation?

6 A Yes.

7 Q And what were their roles?

8 A Their roles were in a supporting role of myself.

9 For example, we had a young female agent that would
10 play the role of a receptionist to let people in, in the office
11 and introduce them to me, and we had people that would work in
12 the warehouse. And I had a business partner as well who was
13 very familiar with aircraft parts business.

14 Q And what was the true name of the business partner you
15 just mentioned? What was his real name?

16 A His real name is William or Bill Parks.

17 Q And do you recall what his undercover name was? If you
18 don't, that's fine.

19 A I don't.

20 Q Okay. Now --

21 A Could I pour some water, please?

22 Q Oh, sure.

23 A Thank you.

24 Q Now I'm gonna ask you some questions about a time when you
25 met a person by the name of Eugene Cox. Before we get there

1 and talk about that time period, can you tell the members of
2 the jury whether you were involved in any other investigations
3 within this storefront context? Did you have other things
4 going on at the same time?

5 A Yes. I remember at least two other undercover
6 investigations, long term undercover investigations that were
7 ongoing at the time that I initially met Eugene Cox.

8 Q Can you just tell us briefly what the nature of those
9 other undercover operations were, those investigations?

10 A Both investigations involved the illegal export of arms.
11 In one case, the arms were being stolen from the military and
12 being sold, and in some situations exported, and the other case
13 involved again arms that were potentially being smuggled out of
14 the country, not, again outside the state department
15 requirements not requiring a license.

16 Q And approximately how many years did you work at this
17 undercover capacity?

18 A At least five years.

19 Q And is that what they call deep cover, sir?

20 A Yes.

21 Q Now during the course of the investigation involving Gene
22 Cox, Eugene Cox and I'll get to that in a second, was there a
23 supervisor who was referred to as the case agent?

24 A Yes.

25 Q And who was that person?

1 A Mike Verre.

2 Q Do you remember how to spell Mike Verre's last name?

3 A I believe, if I recall correctly, it's V-E-R-R-E.

4 Q All right. So I want to turn your attention to January
5 29th of 1992. Do you remember having a meeting with Eugene Cox
6 at the undercover storefront -- which was located where, sir?
7 I'm sorry if I didn't ask you that.

8 A In Miami, Florida, right next to the airport.

9 Q Okay. Do you remember having a meeting on January 29th,
10 1992 with Eugene Cox at the undercover store?

11 A Yes, I do.

12 Q Can you tell the members of the jury just basically how
13 did that meeting get set up?

14 A There was a confidential informant, that's how we worked
15 the investigations, and he had information that Gene Cox had
16 friends that wanted sensitive equipment, and that they had just
17 overthrown a country.

18 Q Now, you mentioned a confidential informant. What's that,
19 sir?

20 A A confidential informant is a source of information that,
21 in a number of cases they have information about individuals or
22 groups that are looking to violate certain federal laws. And
23 that's why the investigative approach in undercover capacity,
24 they would make introductions to individuals like that or
25 groups.

1 Q And in this case, do you remember the name of the
2 confidential informant who introduced Eugene Cox to you?

3 A I remember he was not one of my informants but I remember
4 his name was George.

5 Q Okay. So if you could, just describe what happens when
6 you have this first meeting with Gene Cox. Was George there
7 for this meeting?

8 A Yes, he was.

9 Q This first meeting with Gene Cox and George and yourself.

10 A Okay. I introduced myself and we sat down. It was
11 George, Gene Cox as well as Bill Parks, and we sat down and I
12 asked, "How can we help you." And you know, I explained that I
13 was in the business of -- first of all as I mentioned before,
14 the informant said Gene comes to me well recommended and that
15 he needed the sensitive equipment for his friends that have
16 recently overthrown a government.

17 And so I explain what our business was and I said
18 that we were in the aircraft parts business. And I also
19 bought, sold and trade military surplus.

20 Q And at some point in that meeting, did Gene Cox indicate
21 who his friends were?

22 A Yes. Gene Cox opened up his briefcase and took out a
23 picture that he unrolled and he showed two individuals, and he
24 pointed to one individual and said, "This is Charles Taylor,
25 he's the acting president of an MPRG" -- I don't remember what

1 that stands for.

2 And that the second individual that he pointed to was
3 Tom Woewiyu -- and I apologize, I'm probably not pronouncing
4 that correctly but if I may refer to him as Tom, and he was the
5 minister of defense.

6 Q All right. So tell us how the meeting went. What happens
7 next after he says, "These are my friends, this is the
8 president, he's the minister of defense," what if anything does
9 Gene Cox do?

10 A So I said, "Okay, how can we help you." And he said,
11 "What about Sam's, Sam's Surface to air missiles." And I was
12 okay, Sam's, okay. And then he, if I recall correctly, he
13 said, "Can you get M16s, AK47s and the ammunition for those
14 type of weapons?"

15 Q Now during this meeting, was -- did you have a system in
16 place at the undercover location to record these types of
17 meetings?

18 A Yes, undercover operations that are approved out of
19 Washington, D.C. They are required to be wired to not only
20 have audio but a video to document those conversations as
21 evidence, as part of an investigation.

22 Q And how was that done with respect to this meeting in your
23 office?

24 A There was -- they call them pinhole cameras in the wall,
25 so that camera recorded the entire conversation in the room

1 that we were having as well as recording the video of what was
2 taking place.

3 Q And did it also pick up audio, sir?

4 A Yes.

5 Q And during the course of your subsequent meetings -- and
6 we'll talk about some of the subsequent meetings -- in certain
7 cases did you wear a recording device on your body?

8 A Yes, I did.

9 Q You call that a body wire, sir?

10 A Yes.

11 Q And in every meeting that you had with Gene Cox or other
12 people, were you able to get video recordings accomplished of
13 all these meetings or did you have some meetings where it was
14 only audio?

15 A No, the first meeting and second meeting were video and
16 audio. The third meeting, based on the location, I was just
17 wearing a wire. And the fourth meeting that I recall, that was
18 also a wire. And the last meeting was video and audio.

19 Q All right. Sir, have you had an opportunity to review the
20 audio/video recording of this first meeting on January 29th,
21 1992 which you just told the jury about?

22 A Yes, I have.

23 Q And does that audio and video recording fairly and
24 accurately capture the events that occurred during that
25 meeting?

1 A Yes.

2 MR. THAYER: Your Honor, at this point, I would like
3 to play some selections from this hour or so long video for the
4 witness.

5 THE COURT: You want to do it before lunch or after
6 lunch?

7 MR. THAYER: We can certainly break for lunch now,
8 Your Honor, if that's a good --

9 THE COURT: How long, I mean, could you go on for
10 another ten minutes or so or would you rather do it all -- it's
11 up to you.

12 MR. THAYER: I think it probably would be better if
13 we just did it all at once and rolled into it after lunch.

14 THE COURT: Okay. Members of the jury, enjoy your
15 lunch, and remember my recess instructions.

16 (Jury exits at 12:50 p.m.)

17 THE COURT: We're coming back at 5 after 2.

18 MR. THAYER: Thank you, Your Honor.

19 MR. WILSON: Thank you, Judge.

20 THE COURT: All right, 2:05.

21 (Lunch recess at 12:51 p.m.)

22 (On the record at 2:12 p.m.)

23 (Jury enters)

24 THE CLERK: Please remain seated. This court is now
25 again in session.

1 THE COURT: Next witness, please.

2 MR. THAYER: Mr. Lang will be in just a moment, Your
3 Honor.

4 THE COURT: It isn't your next witness, your last
5 witness? Okay.

6 You're still under oath, Mr. Lang.

7 GARY LANG, GOVERNMENT'S WITNESS, RESUMES

8 MR. THAYER: May I proceed, Your Honor?

9 CONTINUED CROSS-EXAMINATION

10 BY MR. THAYER:

11 Q Good afternoon again, Mr. Lang.

12 A Good afternoon.

13 Q When we left, you had just been describing the recording
14 that had been made at your meeting with Eugene Cox at the
15 undercover location on January 29th, 1992. You told us earlier
16 you reviewed the audio and videotape of that recording and that
17 it fairly and accurately represents what happened during that
18 meeting.

19 MR. THAYER: Your Honor, at this time I would move
20 the admission of Government's Exhibit HH-1.

21 MR. WILSON: Your Honor, could we just have a
22 foundation laid for it first?

23 THE COURT: Sure.

24 BY MR. THAYER:

25 Q Mr. Lang, you described the process that you followed

1 during the course of this undercover operation in terms of
2 having a pinhole camera in place to record what happened during
3 the meeting. Can you describe for the members of the jury what
4 the process was once the meeting was over, and what happened to
5 the tape and so forth? How was that maintained?

6 A So, you're trained at the end of a undercover
7 investigation, I believe my earlier discussion there was a case
8 agent, Michael Verre. That case agent would at the conclusion
9 of the recording would take the tape, initial it, and turn it
10 into the evidence custodian at the office.

11 Also at the conclusion of meetings, I would identify
12 myself with an Alpha number, that's a agent number and the date
13 and the time usually.

14 Q And then would Special Agent Verre log that tape in
15 somewhere and would it be maintained somewhere?

16 A Yes. He would go to the office and turn it into the
17 evidence custodian. He'd have to log it in date and time and
18 there'd have to be a signature and then it's put in its proper
19 file and maintained for that investigation.

20 THE COURT: Do you have an objection?

21 MR. WILSON: Well, Your Honor, what I was looking for
22 is can we just show it to the witness first for identification
23 purposes.

24 THE COURT: All right.

25 MR. THAYER: Your Honor, I can certainly play a short

1 clip. I mean, the videotape itself is rather long but we're
2 going to be showing segments so I can certainly show the
3 initial clip and ask the question if that suffices for the
4 Court.

5 THE COURT: Okay.

6 MR. THAYER: May we have HH-1 played for the witness.
7

8 BY MR. THAYER:

9 A And sir, you'll see it hopefully.

10 A Yes.

11 Q Can you identify what's being depicted in that?

12 A There's a picture here, a video clip that's frozen, and in
13 the room, myself, to my right is Bill Parks, he's a special
14 agent supporting me in this undercover capacity. To my left, I
15 believe that was another agent, I can't recall his name. And
16 opposite me is Gene Cox to my left, and to the right was
17 George, the informant.

18 Q All right.

19 MR. THAYER: Your Honor, I move the admission of
20 Government's Exhibit HH-1.

21 MR. WILSON: No objection, Your Honor.

22 THE COURT: You may proceed.

23 (Government Exhibit HH-1 in evidence)

24 MR. THAYER: May it be published to the jury, Your
25 Honor?

1 THE COURT: Yes, it may. Are you gonna play it or is
2 there gonna be a transcript?

3 MR. THAYER: It will be both. It will be a rolling
4 transcript over the video.

5 THE COURT: Oh, okay.

6 MR. THAYER: And I'm gonna pause every now and then
7 and then I'll ask some questions.

8 THE COURT: All right.

9 (Video marked HH-1 played at this time.)

10 BY MR. THAYER:

11 Q Let's just pause it for one second, sir. If you can just
12 indicate who's who as we're looking at this still?

13 A Okay. Standing up is Bill Parks. I'm to his left.

14 THE COURT: His left or --

15 THE WITNESS: So behind where he's standing, if I was
16 to face the wall, it would be --

17 THE COURT: Oh, you're not on the picture then?

18 Q Let's just advance it one or two frames so we can get you
19 in the picture.

20 A Okay.

21 Q There you are.

22 A Now, I'm standing up, Bill is sitting down. Eugene Cox is
23 leaning forward on the couch. To his left is the informant and
24 to Eugene Cox's right is another special agent, I can't recall
25 his identity.

1 Q Was that Jack Devaney, was that his name?

2 A Yes.

3 MR. THAYER: All right, if we can roll the tape.

4 (Video marked HH-1 continues playing at this time.)

5 THE COURT: I thought it's gonna be -- it's not gonna
6 be oral?

7 MR. THAYER: There should be audio, Your Honor.

8 THE COURT: A little louder, please. Let's go back
9 to the beginning.

10 Is it on the screen?

11 MR. THAYER: Excuse me for a moment.

12 (Pause)

13 THE COURT: Do we need somebody from downstairs?

14 MR. THAYER: I'm gonna improvise.

15 MR. WILSON: Your Honor, in the meantime, maybe we
16 can have this taken off the screen.

17 THE COURT: Yes, sure, take it off the screen.

18 Take everything off the screen if you don't mind.

19 We'll try and get some -- it's not good if you can't
20 hear it.

21 Do you want me to let the jury go outside? We'll see
22 how long it takes.

23 (Pause)

24 THE COURT: Can you start it from the beginning.

25 You will have a running copy of what it is too.

1 MR. THAYER: You know what, Your Honor, we actually
2 have as well, we've got hard copy transcripts in binders.

3 THE COURT: Well, then let's give those out since it
4 may not -- it might be helpful.

5 One second.

6 MR. WILSON: Your Honor, may we see you at sidebar?

7 THE COURT: Sure.

8 (Sidebar begins, 2:24 p.m.)

9 MR. WILSON: We of course had done a motion *in limine*
10 objecting to this testimony even coming in, but, and I stick by
11 my standing objection, with respect to any arms dealing --

12 THE COURT: Oh, arms dealing.

13 MR. WILSON: The fact that it's coming in, we would
14 just ask that the jury be instructed that they're to pay
15 attention to the audio and not rely on the transcript, that
16 it's what they hear in the audio as opposed to the transcript
17 that's been prepared by the Government.

18 THE COURT: That's gonna be kind of difficult with
19 the --

20 MR. THAYER: Your Honor, of course, the transcript is
21 to be used as an aid, and the actual evidence is --

22 THE COURT: That's exactly --

23 MR. THAYER: But if in fact they have a different --
24 if defense has a different translation, not translation, but
25 different interpretation --

1 THE COURT: They don't have any responsibility to do
2 that.

3 MR. THAYER: -- they can put it on.

4 THE COURT: This is your case. You're the
5 Government. You've got the burden of proof.

6 MR. THAYER: No, I certainly agree with that.

7 THE COURT: So that's not accurate. The answer is
8 that I have to see whether they can hear, and basically I hope
9 that we can hear it, and I will instruct them that it's what,
10 as we do every time when there's a transcript, other than one
11 that's in a foreign language, that what they hear is what
12 prevails.

13 MR. THAYER: I can hear it.

14 (Sidebar ends, 2:26 p.m.)

15 THE COURT: Okay, members of the jury, I have an
16 instruction for you before we play the tape. You will -- have
17 they been given the book?

18 MR. THAYER: Yes, ma'am.

19 THE COURT: Okay. Although you have books of
20 translation, it's what you hear that prevails, and that's what
21 should be considered by you. The other can be used as an aid,
22 but that's not what -- if you hear something different than is
23 written, it's what you hear that prevails. Okay? All right.

24 Is that okay with you?

25 MR. WILSON: Yes, Your Honor.

1 THE COURT: Okay.

2 MR. THAYER: Your Honor, for folks who are following
3 the hard copy, jurors, anybody else, we're gonna be starting at
4 page 5 of the binder --

5 THE COURT: I guess I don't qualify? And maybe even
6 my law clerk qualifies, and she's very good.

7 MR. THAYER: But there will always be a running
8 transcript on the screen, Your Honor.

9 THE COURT: Okay, now -- and what page are we on?

10 MR. THAYER: It begins on page 5.

11 THE COURT: One second. That is HH --

12 MR. THAYER: Dash 1.

13 THE COURT: Dash 1. Okay, and it should begin on
14 page 5. All right.

15 Do you have any objection to beginning on page 5?

16 MR. WILSON: That's not what's up here on the screen
17 though, Your Honor.

18 MR. THAYER: Your Honor, we actually are behind
19 ourselves. The binder contains the clips themselves, so it's
20 gonna be page 1 in the binder, not page 5. So what's in the
21 binder is exactly what's gonna be played so we won't need to
22 jump around.

23 THE COURT: Okay.

24 (Video marked HH-1 continues playing at this time.)

25 Q Sir, you told us earlier that, and I think we just saw

1 there, that Gene Cox unrolled a photograph and he's just
2 identified Charles Taylor and Tom Woewiyu. Did you eventually
3 meet either Charles Taylor or Tom Woewiyu?

4 A I eventually met Tom Woewiyu.

5 Q And on how many occasions did you eventually meet Tom
6 Woewiyu?

7 A On three separate occasions.

8 (Video marked HH-1 continues playing at this time.)

9 Q Sir, when you told Cox that we don't sell it out the front
10 door to you, what did you mean?

11 A Well, the type of equipment that we're talking about,
12 surface-to-air missiles, M16s, if you're not the government or
13 the manufacturer or you had authority to possess those weapons
14 -- in this case I did not, so I was illegally maintaining those
15 weapons for sale.

16 Q And with respect to those surface-to-air missiles, did you
17 tell Cox where they came from?

18 A Yes, I did. I told him that these missiles did not make
19 it over to the Gulf War, alluding the fact that they were
20 stolen and I got access to them.

21 Q All right, let's listen to clip 2 which is a little
22 further into the meeting, and we're gonna begin with your
23 colleague Bill Parks speaking.

24 THE COURT: Let's move the transcript first and then
25 we can --

1 MR. THAYER: It will pick up right where we are, Your
2 Honor.

3 THE COURT: Oh, okay, good. Sorry about that.
4 What's this?

5 MR. THAYER: We hit a button by accident, Your Honor,
6 and it fast-forwarded so now we have to go back to the
7 beginning.

8 (Video marked HH-1 continues playing at this time.)

9 Q Mr. Lang, why is it important for you to find out how many
10 men we're talking about, what the manpower is?

11 A Well, in the beginning he asked for M16s, AK47s, so along
12 with those weapons you have to have ammunition. So I asked
13 that question to try to figure out how much ammunition they
14 might need for each weapon.

15 Q And during this meeting and in subsequent meetings,
16 including meetings that you had with Tom Woewiyu, what specific
17 types of surface-to-air missiles did you and Gene Cox and Tom
18 Woewiyu talk about?

19 A We talked about the red eye, which is the earlier
20 prototype for the stinger missile. It's only good for one
21 shot, to take an aircraft down. The stinger missile is the
22 later version that actually can track an aircraft. So we
23 talked of both of those missiles.

24 We spoke about M16s, M79s which are grenade
25 launchers, M60s which are machine guns.

1 Q Now you mentioned the red eye being disposable and the
2 stinger having a tracking device. What kind of projectile did
3 the stinger shoot?

4 A It actually -- a fairly large projectile, a missile.

5 Q And what are these things designed to do?

6 A They're designed to track, if you put on the tracker, to
7 track whatever aircraft is in its range and lock onto it as a
8 target.

9 Q And are these weapons that have to be mounted on some kind
10 of a vehicle or are they shoulder held?

11 A These are shoulder fired weapons. They're infantry, you
12 can be on the ground and walk with this.

13 MR. THAYER: All right, if we could proceed to clip
14 3, please.

15 (Video marked HH-1 continues playing at this time.)

16 Q Now when Gene Cox asked for rounds for the AK47, what is
17 he talking about?

18 A He's asking ammunition, with the weapon price.

19 Q And what did he say about the AK47 in terms of buyers for
20 whom he was seeking this ammunition?

21 A He was very interested in the AK47s because the soldiers
22 on the ground, that's what they were carrying.

23 Q All right, let's continue.

24 (Video marked HH-1 continues playing at this time.)

25 (Transcriber change)

1 BY MR. THAYER:

2 Q So you're -- you're talking about M16 machine guns, is
3 that right?

4 A Yes.

5 Q And do they go by another name?

6 A They're also known as A1.

7 Q And is there also an A2?

8 A Yes.

9 Q And for the future meetings, if you're talking about A1s
10 or A2s, you're talking about M16s --

11 A M16s.

12 Q -- is that right?

13 A Yes, sir.

14 Q All right. Let's go to clip 4, please.

15 (Videotape, clip 4 is played at this time.)

16 BY MR. THAYER:

17 Q So Cox asks you about the Stinger missiles and you gave
18 him a price --

19 A Right.

20 Q -- is that right? And -- and how much were you pricing
21 each Stinger missile device?

22 A \$105,000 for each Stinger missile.

23 Q And were you telling him that you had them all in one
24 place or something else?

25 A No. I had it at several locations.

1 Q Now, this is January 29th of 1992. You provide this
2 information to Eugene Cox. Did you hear from him again within
3 the next several months?

4 A Yes. If I recall correctly, it might have been the next
5 month that I received a call from Cox and I got a voicemail and
6 I returned the call to -- to him.

7 Q And what did he tell you?

8 A He told me that the time is -- I don't remember the exact
9 words, but he said there was an issue because of an embargo.

10 Q Okay. And because of that issue, the embargo, what --
11 what was going to happen?

12 A We were going to have to slow down the deal.

13 Q Okay. And in connection with that embargo, do you
14 remember whether he mentioned anything about peacekeepers or a
15 peacekeeping force?

16 A Yes. He described the peacekeeping forces as mentioned
17 earlier. I think he referred to them as ECOWAS.

18 Q Okay. So is it fair to say that you didn't hear from Gene
19 Cox for almost a year after that?

20 A Yes.

21 Q There may have been some communication but you didn't have
22 any substantive meetings until April 29th of 1993, is that
23 correct?

24 A That is correct. That was my second meeting with him.

25 Q If you would just briefly describe for the members of the

1 jury how that meeting got set up and what the purpose of that
2 meeting was?

3 A The -- the meeting was set up, again if I recall
4 correctly, you know, working with the informant and talking to
5 me, he came in to that meeting to discuss next steps, again,
6 saying that things had to be put on hold regarding the embargo.

7 Q Now, when you sat down with Gene Cox and George the
8 informant again, do you remember where this second meeting
9 occurred?

10 A This meeting occurred again in the undercover office in
11 Miami.

12 Q And do you remember whether Cox indicated to you at all
13 whether the circumstances on the ground militarily had changed
14 at all in Liberia?

15 A Yes.

16 MR. WILSON: Objection, Your Honor, to -- it's
17 hearsay.

18 MR. THAYER: Your Honor, it's what's occurring in the
19 course of this investigation and it's information that's going
20 to lead to the next steps and future meetings --

21 THE COURT: I'll allow -- I'll allow it.

22 THE WITNESS: He told me that -- that they were
23 getting bombed by the peacekeeping forces, but they were unable
24 to do anything because they didn't have any Stinger missiles or
25 SAMs to shoot them down.

1 BY MR. THAYER:

2 Q And, again, was that -- was this meeting recorded?

3 A Yes, it was.

4 Q And during the course of this meeting, did you actually
5 have samples of some of these weapons?

6 A Yes, I did.

7 Q And what did you do with those -- with those samples?

8 A After the meeting in the office, we went to the warehouse
9 where we -- we showed all the weapons, the various types that I
10 have described earlier, Stinger, Redeye and 16s, the M16 and 79
11 we showed him in the warehouse.

12 Q And when you say warehouse, was this somewhere you had to
13 drive to or was it connected to the office?

14 A It was connected to the office.

15 Q And during this display of -- of the arms, what, if
16 anything, did you do?

17 A I -- basically, he had asked me to take photographs of the
18 weapons so he could take it back and show it to, if I recall
19 correctly, his boss. So I worked with him -- there was another
20 undercover agent in the warehouse who showed him the weapons,
21 described them and took the photographs for -- for Eugene Cox.

22 Q And based on your interactions with Eugene Cox, who was
23 Eugene Cox's boss?

24 A Tom, the Minister of Defense.

25 Q After the display of these weapons, did you discuss prices

1 at all with Eugene Cox?

2 A Yes. We went back to the office, and if I recall
3 correctly, he asked me if I had a piece of paper, and I took
4 out a piece of paper and I started to write down each item but
5 not describing it as a -- a Stinger. I would put ST for
6 Stinger. For Redeyes I would put Red and so on. I wouldn't
7 put the full name of -- of the weapon.

8 A Why not?

9 Q Just didn't -- I didn't want that getting into anybody's
10 hands.

11 Q And when you were taking these notes, what were you
12 writing down in addition to the -- the name of the weapon or
13 the arm?

14 A I was writing the prices. For instance, a Stinger missile
15 for 105,000, a Redeye, if I recall correctly, 50,000, and --

16 Q And were you also indicating in any way the quantities
17 that you were making available to Eugene Cox --

18 A Yes.

19 Q -- and Tom?

20 A Yes. Six. ST would mean six Stinger missiles. I think
21 it was ten Redeyes, so it would say ten Red.

22 Q And you mentioned some photographs --

23 A Yes.

24 Q -- that were taken. What, if anything, did Gene Cox do
25 with these photographs?

1 A Well, in the office, he brought the Polaroids back, and I
2 was taking notes, as I described. And then Eugene Cox and the
3 informant said we're just going to write what I was saying on
4 the back of each Polaroid photograph.

5 Q Okay. So instead of handing Gene Cox your -- your piece
6 of paper, they ended up writing on the back of the photos --

7 A Yes.

8 Q -- is that what happened?

9 A Yes.

10 Q Did you have any discussions with Gene Cox how you, as an
11 illegal arms broker, were going to get paid for these arms?

12 A Yes. During this discussion, I learned that this was not
13 going to be a cash deal. He indicated before we had gone to
14 look at the -- the weapons, that he wanted to set up a company
15 with me and give me 25 percent of certain resources or minerals
16 that were available in Liberia.

17 Q And were there any other issues that you and Gene Cox had
18 to discuss in terms of making this deal happen?

19 A Transportation was the biggest issue, how is it going to
20 get out of the country?

21 Q Out of which country?

22 A Out of the U.S.

23 Q And what was the ultimate destination?

24 A During this meeting, it was discussed Liberia, but at a
25 subsequent meeting I learned of a different destination.

1 Q And what was that destination?

2 A The Ivory Coast.

3 Q And who gave you that destination, sir?

4 A Tom, Minister of Defense.

5 Q And why was the Ivory Coast going to be the new
6 destination?

7 A Because the Ivory Coast was not under an arms embargo.

8 Q And did you learn through your subsequent discussions and
9 meetings with Gene Cox and Tom Woewiyu what was going to happen
10 to those arms once they got to the Ivory Coast?

11 A Once they were -- had landed in the Ivory Coast, then they
12 would be shipped into Liberia was my understanding.

13 Q All right. But here on April 29th, 1993, at this second
14 meeting, the issue that you were focusing on in terms of
15 transportation was getting them where?

16 A Out of the United States.

17 Q Okay.

18 MR. THAYER: Your Honor, if we could have HH-2 shown
19 to the witness.

20 THE COURT: Okay.

21 (Videotape marked Exhibit HH-2 is played for the
22 witness.)

23 BY MR. THAYER:

24 Q Sir, do you have an image on the screen at this time?

25 A Yes, I do.

1 (Videotape marked Exhibit HH-2 is played for the
2 witness.)

3 BY MR. THAYER:

4 Q And what does the image on your screen depict, sir?

5 A Okay. In the center of the screen I am sitting with my
6 back towards the camera. On my left is Gene Cox. On my right
7 is Bill Parks and across from me on the couch which you really
8 can't see except a little bit of his head is George the
9 informant.

10 Q All right. And does this image fairly and accurately
11 represent the office as you recall it at the time?

12 A Yes.

13 Q And having reviewed this previously and listened to the
14 audiotape as well as the video, do those recordings fairly and
15 accurately capture the meeting as you recall it?

16 A Yes, they do.

17 MR. THAYER: Your Honor, I'd ask that HH-2 be
18 admitted into evidence and published to the jury.

19 MR. WILSON: No objection.

20 THE COURT: All right. Received and it may be
21 published.

22 (Videotape marked Exhibit HH-2 is played at this
23 time.)

24 BY MR. THAYER:

25 Q Now, based on the discussions that you had with Gene Cox,

1 when he says, "They're bombing the -- bombing our positions,
2 and we don't have anything to overcome it when they do it, we
3 don't have any of the Stingers and SAMs to bring them down,"
4 who is he talking about?

5 A He's talking about Charles Taylor's soldiers. In this
6 case, he said 75, 80 percent possession of the company --
7 country. Excuse me.

8 Q And who's getting bombed?

9 A They are.

10 Q Charles Taylor's soldiers?

11 A Yes.

12 Q By whom?

13 A By ECOWAS, the peacekeeping forces. In the first meeting,
14 I think he described it as the one percent when he was talking
15 to Bill Parks.

16 Q All right.

17 (Videotape marked Exhibit HH-2 is played at this
18 time.)

19 BY MR. THAYER:

20 Q All right, sir.

21 MR. THAYER: Let's -- let's continue on into the next
22 clip, this clip number two.

23 (Videotape marked Exhibit HH2, clip number two is
24 played at this time.)

25 BY MR. THAYER:

1 Q So Gene Cox is telling you about the ECOWAS bombers coming
2 in at low -- low range and that he says -- he said -- he said,
3 yeah, he said Stingers. He said he'd take Stingers. When Gene
4 Cox says he'd take Stingers, who is he talking about, sir?

5 A I believe he was referring to Tom, the Minister of
6 Defense.

7 Q And during the course of some of your meetings with Gene
8 Cox, did he appear to be concerned about being detected by law
9 enforcement?

10 A Yes. I believe just about every meeting, we'd have to
11 stop because he was looking at the ceiling, he was raising an
12 issue about he was nervous that people were listening to our
13 conversations.

14 (Videotape marked Exhibit HH-2, clip number two is
15 played at this time.)

16 THE COURT: What's that? Yours?

17 MR. THAYER: I'm not sure whose it is, Your Honor.

18 (Videotape marked Exhibit HH-2, clip number two is
19 played at this time.)

20 BY MR. THAYER:

21 Q All right. So Cox said he'll -- he'll let you know or
22 he'll tell you where he wants it. Who's he and what's he
23 talking about?

24 A He's referring to Tom, the Minister of Defense, and a
25 subsequent meeting to this meeting actually when asked, Tom

1 told me that it would go to the Ivory Coast.

2 Q All right.

3 MR. THAYER: Just go to --

4 (Videotape marked Exhibit HH-2, clip number three is
5 played at this time.)

6 BY MR. THAYER:

7 Q Now, we've frozen the -- the image and Gene Cox is --
8 unfolds something. What is that, sir?

9 A This is the same photograph that he unrolled at the first
10 meeting pointing to Tom, the Minister of Defense, and Charles
11 Taylor. In this case, he's pointing to Tom, the Minister of
12 Defense.

13 Q And we'll see in a few moments, I think, that he -- he
14 rolls up the photo again. Where does he put it?

15 A He puts it in his briefcase, lays it in his briefcase.

16 Q All right. And is that right next to him on a chair?

17 A Yes, and it's open.

18 Q And during the course of this meeting, what -- what does
19 Gene Cox do every now and again when he -- when it says "he" or
20 --

21 A He keeps referring, pointing to the picture sitting in the
22 briefcase. He's saying he, Tom, Minister of Defense.

23 (Videotape marked Exhibit HH-2, clip number three is
24 played at this time.)

25 MR. THAYER: I want to go back to the VHS tape again.

1 All right. Now, just keep the tape rolling.

2 (Videotape marked Exhibit HH-2, clip number three is
3 played at this time.)

4 MR. THAYER: All right. If we could go directly to
5 clip four, please.

6 (Videotape marked Exhibit HH-2, clip number four is
7 played at this time.)

8 BY MR. THAYER:

9 Q Now, here George sounds like he's very excited to -- to go
10 to the warehouse and look at the -- the arms. You ask what the
11 purpose of the camera is and you've already explained to the --
12 to the jury that Cox wanted you to take photographs to have
13 photographs to take back to -- back to Tom, the Minister of
14 Defense.

15 Did you become aware during subsequent meetings with
16 Tom Woewiyu whether Tom Woewiyu had, in fact, seen those --
17 those pictures?

18 A Yes. I believe in a subsequent meeting, he actually
19 referred to -- describing one of the photos, for example, the
20 Stinger missiles where I wrote six ST, so he referred to that.
21 He would have had to have seen the back of the picture to -- to
22 have that knowledge.

23 Q All right.

24 MR. THAYER: Go to clip five.

25 (Videotape marked Exhibit HH-2, clip number five is

1 played at this time.)

2 BY MR. THAYER:

3 Q Now, when -- when Gene Cox says, "How about a conversation
4 with this man," what's he pointing to?

5 A Again, to the picture of Tom, the Minister of Defense,
6 that he showed earlier and laid it in his briefcase.

7 (Videotape marked Exhibit HH-2, clip number five is
8 played at this time.)

9 BY MR. THAYER:

10 Q When Cox asks if you can come up to -- to New York, did
11 you actually meet with Cox and Tom Woewiyu in New York?

12 A Yes, I believe the next month. It would have been May I
13 traveled to New York to meet with both of them.

14 Q And George says -- the confidential informant says, "I
15 don't even want to be at this meeting." Was George at any
16 subsequent meetings?

17 A I do not believe so.

18 Q And would that have been sort of standard undercover
19 operation practice to cut out the confidential informant once
20 the undercover has established the relationship?

21 A Yes, absolutely.

22 MR. THAYER: Could you go to the next -- next clip.

23 (Videotape marked Exhibit HH-2, clip number six is
24 played at this time.)

25 BY MR. THAYER:

1 Q What's he talking about here, forming a corporation and 25
2 percent?

3 A The way I was going to be paid, again I said earlier, this
4 is no longer a cash deal. In this instance, when he said 25
5 percent, I believe we were talking about 25 percent of the iron
6 ore that was in Liberia.

7 Q And -- and I think again he says, "I want you to meet
8 him." Was that referring to Tom Woewiyu, meeting him in the
9 -- in the near future?

10 A Yes.

11 Q Now, did Gene Cox give you some literature to look at or
12 some -- some types of documents to look at during the course of
13 this meeting?

14 A I do not recall.

15 Q Okay.

16 MR. THAYER: Well, let's just go to the seventh clip.

17 (Videotape marked Exhibit HH-2, clip number seven is
18 played at this time.)

19 BY MR. THAYER:

20 Q And, sir, after this you all walked to the warehouse next
21 door, is that right?

22 A Yes.

23 Q Okay. And have you seen the -- the video recording of the
24 display of these -- of these arms to Gene Cox?

25 A Yes, I have.

1 Q How is the audio on that?

2 A The audio is very poor based on the noise of the
3 warehouse, not very good acoustics to hear voice conversations.

4 Q All right.

5 MR. THAYER: If we could have H-2-1 shown to the
6 witness, please.

7 THE COURT: Is that HH?

8 MR. THAYER: I beg your pardon?

9 THE COURT: HH?

10 MR. THAYER: H-2-1. It's video only, Your Honor.

11 THE COURT: Oh, okay. All right.

12 MR. THAYER: There won't be a transcript.

13 (Videotape marked Exhibit H-2-1 is played for the
14 witness at this time.)

15 BY MR. THAYER:

16 Q Now, sir, do you have an image?

17 A In the office right now, still.

18 (Videotape marked Exhibit H-2-1 is played for the
19 witness at this time.)

20 BY MR. THAYER:

21 Q Now, sir, do you have an image now?

22 A Yes.

23 Q And what do you see in the --

24 A This is a video of the warehouse with a truck that
25 contains the weapons that we were going to display.

1 Q All right. And you've seen this video before?

2 A Yes, I have.

3 Q And do the events depicted in the -- in the video fairly
4 and accurately represent those that occurred during this
5 meeting?

6 A Yes, they do.

7 MR. THAYER: Your Honor, I move for the admission of
8 Government Exhibit H-2-1.

9 MR. WILSON: No objection.

10 MR. THAYER: And ask that it be published to the
11 jury.

12 THE COURT: All right. Any objection?

13 MR. WILSON: No objection.

14 (Videotape marked Exhibit H-2-1 is played at this
15 time.)

16 BY MR. THAYER:

17 Q Just pausing it here, sir. We can see four individuals
18 standing in front of the truck. Can you identify who's who
19 moving from the right of the image to the left?

20 A Yes. Furthest to the right is Gene Cox with the suit on.
21 To his left is George the informant. In front of him with the
22 slacks and the white shirt is me, and at the back of the truck
23 with the baseball cap is Tom Trotto, another special agent
24 operating in an undercover capacity.

25 Q And what was his role, so to speak, this day, Tom?

1 A Tom's role was actually to bring out the weapons and speak
2 a little bit about them. He's former military, very
3 knowledgeable about each weapon and described how they were
4 used to Gene Cox during this display.

5 Q And how did Gene Cox take to -- to Tom Trotto?

6 A Gene was very nervous about -- about Tom Trotto. I told
7 him not to worry about it, he was my brother-in-law and not to
8 worry about it.

9 Q All right. And why -- why was Gene nervous? What was --
10 what was there about Tom that made him nervous?

11 A Tom's appearance and his actions are very much like a
12 police officer.

13 Q Okay.

14 MR. THAYER: Let's get the tape working.

15 (Videotape marked Exhibit H-2-1 is played at this
16 time.)

17 BY MR. THAYER:

18 Q Which weapon is Tom Trotto showing Gene Cox?

19 A He's showing Gene Cox the Redeye.

20 Q Okay.

21 (Videotape marked Exhibit H-2-1 is played at this
22 time.)

23 BY MR. THAYER:

24 Q Sir, if you can remember, what are you explaining to Gene
25 Cox there about the Redeye?

1 A If I recall correctly, surface to air missile, but after
2 you fire the missile, you can throw it away. I mean, it's -- I
3 mean, it cannot be used again. So, you know, you're spending
4 \$50,000 on one shot and away you go.

5 (Videotape marked Exhibit H-2-1 is played at this
6 time.)

7 BY MR. THAYER:

8 Q And what are you showing Gene Cox here, sir?

9 A I'm showing the Stinger missile. Tom has it on his
10 shoulder. I just opened it up so you could activate the
11 tracking device.

12 Q That's that little flap or whatever it was that you opened
13 up?

14 A Flap that opens up, yeah.

15 (Videotape marked Exhibit H-2-1 is played at this
16 time.)

17 BY MR. THAYER:

18 Q Do you remember where you're going, sir? You just left
19 -- you just left the warehouse to -- to fetch something.

20 A I --

21 Q Do you remember what you're getting?

22 A -- Bill came into the warehouse. I wanted to make sure he
23 locked the front door because I was concerned somebody would
24 come in the front door, and you can see directly into the
25 warehouse coming into the front door.

1 Q All right. And while you did that, did you pick up the
2 camera?

3 A Yes, I did.

4 (Videotape marked Exhibit H-2-1 is played at this
5 time.)

6 BY MR. THAYER:

7 Q What did you just take a picture of there, sir?

8 A I took a picture of the Stinger missile.

9 Q All right.

10 (Videotape marked Exhibit H-2-1 is played at this
11 time.)

12 BY MR. THAYER:

13 Q I think what we just heard you say, you want the Redeye,
14 too. Did you end up taking a picture of the Redeye?

15 A No, we did not.

16 (Videotape marked Exhibit H-2-1 is played at this
17 time.)

18 BY MR. THAYER:

19 Q What's Tom Trotto bringing out now, sir?

20 A He's bringing out an M16 A1 in a plastic bag. They're
21 refurbished and they're oiled so they're -- they're put into
22 plastic.

23 (Videotape marked Exhibit H-2-1 is played at this
24 time.)

25 BY MR. THAYER:

1 Q So you just took a picture of one of the M16s, is that
2 right?

3 A Yes, sir.

4 Q Do you remember what weapons are going to come out next?

5 A I believe we take out the M79, the grenade launcher and
6 then the M60, the machine gun. I don't know which one came
7 first. It might have been the machine gun.

8 Q Which one is bigger, the M79 or the -- or the M60 machine
9 gun?

10 A The M60 is a pretty long weapon. It's a -- it's a machine
11 gun.

12 Q And what's the difference between an M60 machine gun
13 versus the M16 that's sitting on the chair right there?

14 A It's larger caliber and it has a belt of ammo. It shoots
15 a number of rounds, a lot more than the -- than the M16 if I
16 recall. It's a much more powerful weapon.

17 Q And it's sometimes referred to as a heavy machine gun, is
18 that right?

19 A Yes.

20 (Videotape marked Exhibit H-2-1 is played at this
21 time.)

22 BY MR. THAYER:

23 Q I think we just heard you say M79 grenade, referring to
24 that grenade launcher you're talking about?

25 A Yes.

1 Q And what does that do?

2 A That launches the grenade, again, an infantry weapon.

3 It's used to fire at vehicles, tanks.

4 (Videotape marked Exhibit H-2-1 is played at this
5 time.)

6 THE COURT: Mr. Thayer, how much longer is this going
7 to be?

8 MR. THAYER: For this clip, Your Honor?

9 THE COURT: No, altogether.

10 MR. THAYER: Altogether, probably going to be another
11 hour and a half.

12 THE COURT: Oh, it is? Okay. Well, let's take a
13 break. Remember the birdie. Remember your recess instructions
14 not to discuss this case among yourselves and all the rest.

15 (Jury out, 3:42 p.m.)

16 (Recess taken, 3:42 p.m. to 4:02 p.m.)

17 MR. THAYER: Thank you, Your Honor. So we'll just
18 pick up where the video left off. I think the M79 grenade
19 launcher was being looked at, examined by Agent Cox.

20 (Videotape marked Exhibit HH-2-1 is played at this
21 time.)

22 BY MR. THAYER:

23 Q What's Tom Trotto showing Gene Kosnalsky (Phonetic)?

24 A The M16 machine gun. He just opened the bi-pod so it
25 could -- you could lay on the group with it stationary.

1 Q Okay. So those little legs are bi-pods?

2 A Right.

3 Q Allows you to fight -- hold it on the ground and fire from
4 the --

5 A Yeah.

6 Q -- from a prone position?

7 A Yes.

8 Q All right.

9 (Videotape marked Exhibit HH-2-1 continues playing at
10 this time.)

11 BY MR. THAYER:

12 Q I think we can hear Tom Trotto say, 7.62 millimeter. What
13 is that referring to?

14 A That is the round for this particular weapon. It's a
15 larger round than fired out of the M16.

16 Q That means it's a bigger bullet?

17 A Right.

18 Q And I think we can also hear, belt fed, and a reference to
19 a spare barrel and a cleaning kit. What's all that about?

20 A That's -- it is a high-powered machine gun. Again, I'm
21 not an arms' expert but it's "belt-fed," meaning multiple
22 rounds in a strip that is fed into the machine gun as it is
23 fired.

24 THE COURT: You can't see the witness, can you?

25 THE WITNESS: I'm sorry.

1 THE COURT: No. Move forward --

2 THE WITNESS: I'm sorry, Your Honor.

3 THE COURT: -- and move the other part back.

4 THE WITNESS: I'm sorry.

5 THE COURT: You're supposed to see everything. But
6 please let me know if you can't see, unless you don't care, but
7 please let me know. Okay.

8 (Videotape marked Exhibit HH-2-1 continues playing at
9 this time.)

10 BY MR. THAYER:

11 Q Somebody just walked into the frame, sir. Who is that?

12 A That's Bill Parks.

13 Q Okay. Thank you.

14 (Videotape marked Exhibit HH-2-1 continues playing at
15 this time.)

16 BY MR. THAYER:

17 Q Sir, we can just see that you took a series of pictures of
18 the weapons piled up on that table, and what did you end up
19 doing with those photographs, with those Polaroids?

20 A We walk back into the office where we discuss quantity and
21 prices.

22 MR. THAYER: I think we could probably save a couple
23 of minutes and cut the film here, and if we could go to Clip 8.

24 AUDIO OPERATOR: Sorry?

25 THE COURT: I didn't hear you, your voice dropped.

1 AUDIO OPERATOR: Yes.

2 MR. THAYER: I'm sorry, Your Honor, we're going to go
3 to Clip 8.

4 AUDIO OPERATOR: Did you say H-2-3?

5 THE COURT: H-2-1-8?

6 MR. THAYER: It's going to be back on HH-2.

7 THE COURT: H-2-8, is that correct?

8 MR. THAYER: Just HH-2, Your Honor.

9 THE COURT: Oh, HH-2. The last one was H-2 --
10 H-1 -- H --

11 MR. THAYER: HH-2-1 was the last one, Your Honor.

12 THE COURT: Oh, okay.

13 MR. THAYER: This is HH-2.

14 THE COURT: All right. Okay. Thank you.

15 (Videotape marked Exhibit HH-2 is played at this
16 time.)

17 THE COURT: This happened before the last --

18 MR. THAYER: The Court's indulgence.

19 (Pause in proceedings.)

20 (Videotape marked Exhibit HH-2 continues playing at
21 this time.)

22 BY MR. THAYER:

23 Q So this is -- what we just saw was just before you went
24 into the warehouse, and then we went into the warehouse and now
25 we're going to pick up when you come back from the warehouse,

1 correct?

2 A Yes.

3 (Videotape marked Exhibit HH-2 continues playing at
4 this time.)

5 BY MR. THAYER:

6 Q All right. Sir, in this portion of the film where we just
7 ended Gene Cox is pointing at the chair to his right saying,
8 "don't tell him you're going to meet this guy." What's going
9 on here?

10 A Well, he's nervous about Tom Trotto and he's talking about
11 traveling to meet Tom, the Minister's Defense and points again
12 to the photograph that he put in the briefcase and he's doesn't
13 want anybody to know that that's going to happen.

14 Q All right. And he also sounded like he was nervous about
15 Billy. Who's Billy?

16 A Billy is Bill Parks. He's my business partner.

17 Q And can you tell the members of the jury why Cox was
18 worried about Parks?

19 A Yes, I mean Bill was there too. If I may lay out the
20 legitimate part of the business, the aircraft business, and a
21 number of times in earlier meetings he discussed, I don't want
22 to jeopardize the overall aircraft business.

23 (Videotape marked Exhibit HH-2 continues playing at
24 this time.)

25 BY MR. THAYER:

1 Q Now Cox mentions here that he'll look at them and then
2 "we'll destroy them -- we'll destroy them." What is he talking
3 about?

4 A He's talking about, he wants to take the pictures to show
5 to Tom, the Minister of Defense, and then said he would destroy
6 them after he showed them the pictures.

7 Q Well, you heard Mr. Cox just talk about Charles Taylor,
8 how do you know that he wasn't going to show the pictures to
9 Charles Taylor and that's who he was talking about?

10 A Because I was going to meet Tom up in the next meeting.

11 Q And when you met Tom at the next meeting did he say
12 anything about the photographs?

13 A Yes, he indicated by making a comment of what they wrote
14 on the back of the photograph of the Stinger. I called it 6ST,
15 and he referred to 6ST in the subsequent meeting.

16 Q All right.

17 (Videotape marked Exhibit HH-2 continues playing at
18 this time.)

19 BY MR. THAYER:

20 Q And, sir, what are you doing here? You mention a couple
21 of times about the 6STs and writing down things. What are you
22 actually writing on?

23 A I'm writing on a yellow pad because when we walked into
24 the office Gene Cox said, "do you have a piece of paper to
25 write on," so I started to take notes on a legal pad.

1 MR. THAYER: And we'll look at the electronic version
2 of this, but I don't want to mess up our AV extravaganza. May
3 I approach, Your Honor?

4 THE COURT: Sure.

5 BY MR. THAYER:

6 Q Do you recognize what that is?

7 A Yes. This is the sheet I was writing down, 6ST, 10 Reds,
8 1,110 AIs, 24 60, the machine guns, and 15 M79s. That's my
9 handwriting, and at the bottom of this is Michael Verre's
10 initials and the date of the meeting.

11 Q Okay. Michael Verre, being the supervisor?

12 A The case agent, yes.

13 (Videotape marked Exhibit HH-2 continues playing at
14 this time.)

15 BY MR. THAYER:

16 Q And what's going on here, sir?

17 A Well --

18 Q Tom Cox is saying before, "I confuse myself." What are
19 they doing now?

20 A They're discussing the quantities and they're writing on
21 back of the Polaroid photographs.

22 Q Okay. So you didn't need your piece of paper anymore to
23 give over to Cox, is that right?

24 A That is correct.

25 Q So you held on to it?

1 A Yes.

2 Q All right.

3 (Videotape marked Exhibit HH-2 continues playing at
4 this time.)

5 BY MR. THAYER:

6 Q When Cox says he knows the Red Eye, he spoke of the Red
7 Eye, who's he talking about?

8 A He's referring to Tom the Minister of Defense.

9 (Videotape marked Exhibit HH-2 continues playing at
10 this time.)

11 MR. THAYER: All right. Let's roll into Clip 9,
12 please.

13 (Videotape marked Exhibit HH-2, Clip 9 is played at
14 this time.)

15 MR. THAYER: And just for the record, Your Honor, we
16 stopped here, 21 minutes and 47 seconds.

17 BY MR. THAYER:

18 Q Sir, I'll ask you again, and then Cox says, "he'll tell
19 you where to put it." He says, "he'll tell you where to put it
20 and that's what he wants then." Who is he talking about?

21 A He's referring to Tom the Minister of Defense.

22 MR. THAYER: Let's go to Clip 10, please.

23 (Videotape marked Exhibit HH-2, Clip 10 is played at
24 this time.)

25 (Pause in proceedings.)

1 (Videotape marked Exhibit HH-2, Clip 10 continues
2 playing at this time.)

3 (Pause in proceedings.)

4 MR. THAYER: With the Court's indulgence if we could
5 please have one moment.

6 THE COURT: Look, let's call -- let's go to sidebar a
7 second.

8 (Sidebar discussion as follows:)

9 THE COURT: Okay. Let's finish this tomorrow
10 morning. I'd like to know -- I'd like -- I said let's finish
11 this tomorrow morning.

12 MS. HENRY: Yes, Your Honor.

13 THE COURT: I have an issue that was raised so the
14 two of you have to get together and try and work out what's
15 going to happen with the agent, number one.

16 Number two is that you wanted to present something
17 and I believe you have an objection to something you think
18 they're going to --

19 MR. WRIGHT: Are you talking about the expert?

20 THE COURT: The expert, yes.

21 MR. WRIGHT: Oh, the expert.

22 THE COURT: And let's talk about all that. Let them
23 go home, we figure out how to coordinate so we don't waste them
24 a lot of time and I'll let them now leave. There's no reason
25 to have them stand around while you're fiddling around with the

1 computer. Okay?

2 MR. WRIGHT: I apologize, Your Honor.

3 THE COURT: No, it's not -- you don't owe me any
4 apology, it's just the reality of --

5 MR. WRIGHT: And the expert should be filing
6 something shortly, Your Honor.

7 THE COURT: Okay. But you can argue with me and then
8 I'll read it --

9 MR. WRIGHT: And then file it. Okay.

10 THE COURT: Because you have to give him time to
11 answer if he wants.

12 MR. WRIGHT: Yes. And we got --

13 UNIDENTIFIED COUNSEL: He'll answer it --

14 THE COURT: Okay.

15 (Sidebar discussion ended.)

16 THE COURT: Members of the jury, I'm going to have
17 -- make sure that everything is synchronized better tomorrow
18 morning and that's number one, you know, these things happen.

19 I'm not a -- I don't -- whenever there's a computer
20 you always run into this kind of problem, so that's not a
21 problem.

22 But -- and there are a couple legal issues that
23 instead of taking them up tomorrow morning, we'll take them up
24 now.

25 So I'm going to remind you of your recess

1 instructions not to discuss this case among yourselves until
2 all the evidence is in. You'll receive the final instructions
3 from me because only then can you discuss the case fairly and
4 intelligently.

5 When you go home, no talking with your family, your
6 friends, co-workers, anyone about this case other than just
7 sitting in trial. Do not do -- do not talk with the witnesses
8 or the parties on any subject. Do not make an investigation of
9 your own. Do not do any research. Do not look at any the
10 events that have been talked about on the computer or any other
11 electronic or digital device. The only information you should
12 receive is that which you receive here in court.

13 Tomorrow morning at -- is there anything Jim? Okay.
14 9:45. Have a good evening.

15 (Jury exits courtroom at 4:32 p.m.)

16 THE COURT: Can you take everything off the -- talk
17 about it in open court. You get it coordinated tonight, it's
18 not a big deal.

19 THE COURT: All right. You may step down.

20 THE WITNESS: Thank you, Your Honor.

21 (Witness excused.)

22 THE COURT: Okay. Let's talk about -- let's talk
23 about what the agent is going to be able to say. Who's going
24 to argue that? Are you going to argue that?

25 MR. THAYER: What the agent is going to be able to

1 say, Your Honor?

2 THE COURT: Yes, and whether or not the document is
3 going to be admissible. Are you arguing about the document or
4 the --

5 MR. WILSON: The TRC document, Your Honor --

6 THE COURT: Yes.

7 MR. WILSON: -- which is what I questioned her about?

8 MS. HENRY: Your Honor, I believe that the Government
9 is seeking -- the thing that we were talking about redacting
10 earlier was the report from the decision -- Immigration
11 decision --

12 THE COURT: That's right.

13 MS. HENRY: -- and whether we could agree to certain
14 redactions based on that. And I think that Mr. Wilson was
15 attempting to ask the agent some questions and the Government
16 regarding --

17 THE COURT: Well, he can't ask -- she came on -- if
18 he wants to call her, that's fine, I have no problem with that.

19 MS. HENRY: Yes, Your Honor.

20 THE COURT: But he can't ask -- she was a parrot, I'm
21 mean, you'll forgive me, that's what her position was.

22 MR. WRIGHT: Well, Your Honor, if we're talking about
23 the TRC and report and calling her, she's just someone who may
24 have read portions of the TRC, but she has no firsthand
25 knowledge of it --

1 THE COURT: Well, then if that's the --

2 MR. WRIGHT: -- other than anyone else who happens to
3 pick it up and read is and see what it says. I mean asking her
4 questions about the TRC --

5 THE COURT: Okay. That's --

6 MR. WRIGHT: -- is akin to just asking --

7 THE COURT: Okay. What's your position on that?

8 MR. WRIGHT: -- to asking me questions about
9 anything.

10 THE COURT: You could have somebody else come?

11 MS. HENRY: Yes, Your Honor. I believe -- yeah, I
12 believe the witness tomorrow is going to talk about -- the
13 Government witness is going to talk about the TRC report
14 tomorrow. The Immigration decision was based on the findings
15 in the TRC report, so we can deal with that tomorrow.

16 THE COURT: Is that correct? I have to read it.

17 MR. WRIGHT: Well, one of the things --

18 THE COURT: I haven't read it yet.

19 MR. WRIGHT: -- she relied upon is she like Special
20 Agent Lohmeier read it, read portions of it and that is
21 correct, that is part of -- part of the basis -- one of the --
22 part of the bases, I should say, I guess it's plural, part of
23 the bases for her denying citizenship.

24 THE COURT: I wasn't talking about her coming back
25 tomorrow. I was talking about what your witness from the --

1 from the -- who denied -- not certification --

2 MS. HENRY: Citizenship.

3 THE COURT: -- I'm back in civil cases -- that denied
4 citizenship, that's what we're talking about. That has nothing
5 to do with the agent.

6 MR. WRIGHT: Well, Your Honor, I thought we were
7 talking about what the Immigration Service's officer who denied
8 citizenship relied upon factually.

9 THE COURT: Yeah, well that --

10 MR. WRIGHT: And one of the things that she relied
11 upon factually was the TRC report because she read portions of
12 it much like the agent, much like other people.

13 THE COURT: Well, that has nothing to do with it.
14 You're going to -- you're going to -- as I understood the
15 motion this morning, you're going to bring in the agent.

16 MR. WRIGHT: I think, respectfully, Your Honor, very
17 respectfully, I think the motion this morning went to a
18 different document. I think the motion this morning went to
19 the decision and whether certain portions of the decision --

20 THE COURT: Well, that's what I'm talking about.

21 MR. WRIGHT: -- that's something different than
22 the -- that's something different than --

23 THE COURT: That's right, I agree with you.

24 MR. WRIGHT: -- TRC. So I'll let --

25 THE COURT: You and I are --

1 MR. WRIGHT: -- Mr. Thayer address that, Your Honor.

2 THE COURT: Mr. Wright you're on the same -- you and
3 I are on the same page.

4 MR. WRIGHT: Yes, Your Honor, yes, Your Honor.

5 THE COURT: Exactly.

6 MR. WRIGHT: Okay.

7 THE COURT: Exactly. I stopped her from testifying
8 this morning because it was silly.

9 MR. WRIGHT: Yes, Your Honor.

10 THE COURT: But I'm talking about the bringing in of
11 the agent. That's what I'm talking about.

12 MS. HENRY: The Immigration agent.

13 MR. WRIGHT: The Immigration Service --

14 THE COURT: Of course, the Immigration agent.

15 MS. HENRY: Yes.

16 MR. WRIGHT: Okay.

17 THE COURT: And they said they have to show
18 materiality and that's why you brought it in, that's what I
19 understood.

20 MR. THAYER: That is correct, Your Honor.

21 THE COURT: Is that correct?

22 MS. HENRY: That's correct, Your Honor.

23 THE COURT: Okay. Now you're objecting to it being
24 brought in, and are you objecting to the agent coming in or
25 only the document?

1 MS. HENRY: We were objecting to the document.

2 THE COURT: Okay.

3 MS. HENRY: And I believe Your Honor ruled and said
4 that you were going to let it in but we need to talk about what
5 appropriate redactions would be before it went to the jury.

6 THE COURT: Well, I want to first talk about whether
7 it should be let in at all and then we'll talk about
8 redactions. So what's your reason for saying it shouldn't be
9 let in?

10 MS. HENRY: Your Honor, the basis of our motion was
11 that the decision covers a lot of ground, and it usurps the
12 role of the jury because it's talking about case law, and it's
13 talking about findings that they make, that they find that it
14 was --

15 THE COURT: One second. Let me go get -- let me go
16 get --

17 MS. HENRY: Okay.

18 THE COURT: -- my copy of it.

19 MR. WILSON: Your Honor, may Ms. Henry and I have a
20 moment?

21 THE COURT: Sure, of course.

22 (Pause in proceedings.)

23 THE COURT: Do you have it?

24 UNIDENTIFIED PERSON: Yes.

25 THE COURT: Oh great. See, it was right on the -- I

1 left it there so I could read it. Okay.

2 So let's look at the decision and certainly there are
3 some parts of it that shouldn't be let in, there's no question
4 about that.

5 MS. HENRY: Is that --

6 THE COURT: I think there's a lot that shouldn't be
7 let in, as a matter of fact.

8 MS. HENRY: So did we, Your Honor, but we -- oh, in
9 this you mean. There's a lot of things.

10 Specifically what we're concerned about, Your Honor,
11 is there's -- at the very end of the report there's information
12 about that he failed to willfully refused to support your
13 dependance during statutory period --

14 THE COURT: Well, that doesn't belong there.

15 MS. HENRY: So that's the part that we got because
16 that hasn't been -- the jury hasn't heard anything about that.

17 THE COURT: You have no problem leaving that out, do
18 you?

19 MR. THAYER: No, Your Honor.

20 THE COURT: Okay. All right.

21 MS. HENRY: And, I mean -- and, the issue, Your
22 Honor, which we're going to -- the -- if you look at Page 3, I
23 believe, of the report, and to the word, starts with the
24 discussion --

25 THE COURT: Yeah?

1 MS. HENRY: Okay. She talks about -- she gets
2 through the CFR regulations that's in the beginning, and she
3 talks about -- if you look, Your Honor, to -- talks about, you
4 know, her summary of what she had found out about the
5 defendant's role in the NPFL. In the second paragraph she --
6 the last sentence that she writes, "It's for the purpose of
7 your natural --

8 THE COURT: Which page is this?

9 MS. HENRY: Page 3, Your Honor, sorry, last full
10 paragraph she talks about that --

11 THE COURT: Based on your involvement?

12 MS. HENRY: Correct. And that she concludes that he
13 failed to possess moral character, which I understand that the
14 Government wants to get in because that is the basis for the
15 denying of citizenship.

16 THE COURT: I didn't hear you. I didn't --

17 MS. HENRY: I understand the Government wants that
18 because that's the basis for the denying of the citizenship
19 request.

20 And then she states that, "For the purposes of your
21 naturalization application USCIS has relied solely on the
22 factual findings of the Truth and Reconciliation Commission of
23 Liberia," and then she goes on to talk about the TRC and
24 several more pages on that.

25 We're fine with this part coming in and talking about

1 what she based her findings on.

2 THE COURT: Tell me what you want out, not what
3 you --

4 MS. HENRY: Oh, sorry. I guess we want the part
5 about --

6 THE COURT: Maybe you ought to go over it again
7 tonight --

8 MS. HENRY: Okay.

9 THE COURT: -- and we're going to talk about it first
10 thing tomorrow morning --

11 MS. HENRY: That's fine.

12 THE COURT: -- because it doesn't sound to me like
13 you've really prepared what you want me to redact.

14 MS. HENRY: Yes, Your Honor. We had some discussion
15 with counsel but we can look a little more closely. But I
16 think --

17 THE COURT: No. Well, why don't you do it
18 tonight --

19 MS. HENRY: Okay.

20 THE COURT: -- and see whether you could avoid this
21 by tomorrow. But I -- I -- you know, your reading it while I'm
22 sitting here doesn't make much sense.

23 MS. HENRY: Yes, Your Honor.

24 THE COURT: So we will -- and she's going to testify
25 tomorrow, is that what your plan is?

1 MR. THAYER: Yes, Your Honor.

2 THE COURT: What time was think -- what time do you
3 think you'll be finished with the tapes?

4 MR. THAYER: With the tapes, Your Honor, it might be
5 another hour or so. We have two more witnesses from the same
6 operations but they will be much shorter.

7 THE COURT: And what are they going to -- what same -
8 - oh, you mean the -- from the --

9 MR. THAYER: The undercover operation, Your Honor.

10 THE COURT: Oh, okay, okay. All right. How long
11 should they be, you think?

12 You think we'll be finished by the morning -- the end
13 of the morning?

14 MR. THAYER: Yes, Your Honor. We should be done
15 before lunch.

16 THE COURT: Okay. And then you'll have the -- this
17 person --

18 MR. THAYER: We'll have the actual Naturalization
19 officer who conducted the --

20 THE COURT: Yeah, well that's what this is about.

21 MR. THAYER: This is a different witness though,
22 Judge.

23 THE COURT: Oh, really?

24 MR. THAYER: So there were two USCIS witnesses.

25 THE COURT: All right.

1 MR. THAYER: The one is the officer who interviewed
2 Mr. Woewiyu on January 30th, 2009.

3 THE COURT: And that person is going to testify?

4 MR. THAYER: That person will testify first. And
5 then Officer Peggy Lin, who actually authored the decision at
6 issue right now will be the second.

7 THE COURT: Sounds good to me. And then Wednesday
8 -- so you'll probably close tomorrow.

9 MR. WRIGHT: We will rest, Your Honor.

10 MR. THAYER: We will rest.

11 THE COURT: You will rest -- I meant you'll rest.

12 MR. WRIGHT: Yes, Your Honor.

13 THE COURT: In New York we used it call it closing,
14 so you'll rest. Okay.

15 MR. WILSON: And we'll have some witnesses available,
16 Your Honor, in the afternoon tomorrow just in case if they rest
17 --

18 THE COURT: All right. And how long do you think
19 your case will be?

20 MR. WILSON: It's hard to say at this point, Your
21 Honor. There's been no final decision on whether Mr. Woewiyu
22 will testify so that's a big factor in terms of estimating
23 time.

24 There's -- we will be presenting the attorney who
25 represented him at the hearing. We will have a number of

1 character witnesses, characters witnesses --

2 THE COURT: Yeah, that's going to go fast.

3 MR. WILSON: -- three minutes a piece, Your Honor.

4 THE COURT: That will be quick.

5 MR. WILSON: Whether the Government has
6 cross-examination for them, they may. And then we have Steven
7 Britt, who we propose to call as a --

8 THE COURT: Well, that's what I want to hear about.

9 MR. WILSON: -- propose to call as an expert.

10 THE COURT: And is that what you have?

11 MR. WRIGHT: Your Honor, yes, we plan on filing a
12 motion. We got notice yesterday, late yesterday afternoon at
13 about 6:09 p.m. on Sunday.

14 THE COURT: Approximately 6:09?

15 MR. WRIGHT: Yes, Your Honor, approximately at 6:09.

16 MR. WILSON: And 32 seconds.

17 MR. WRIGHT: And we object as we're filing a motion
18 to preclude when I get back to the office, Your Honor.

19 THE COURT: Okay. Okay. Tell me what --

20 MR. WILSON: Your Honor, he's --

21 THE COURT: -- who he is?

22 MR. WILSON: -- his practice is in largely
23 Immigration, he does criminal matters also. But our office has
24 hired him in the past to advise us once the decision came down
25 from the Supreme Court that said that -- the decision that said

1 that defense attorneys have the obligation to advise their
2 client on the immigration consequences of a plea.

3 If Your Honor recall that was a case where the
4 Supreme Court said that the defendant should have been advised
5 of the immigration consequences of his plea --

6 THE COURT: I recall that.

7 MR. WILSON: -- and placed a burden on the defense to
8 make sure the defendant understood that prior to a plea.

9 And since that time Mr. Britt has been one person that
10 we've hired quite frequently to give us immigration expert
11 advise on how a plea to either the charges in the indictment
12 would go or whether there would be alternative charges that --

13 THE COURT: What does this have to do with this case,
14 there's no plea here.

15 MR. WILSON: I know. At any rate, he's somebody that
16 we've consulted with in the past --

17 THE COURT: All right. Okay.

18 MR. WILSON: -- on immigration matters. So we
19 consulted with him on this case and he does have plenty of
20 experience in -- he used to work for INS before he worked for
21 the U.S. Attorney's Office. So he has experience in the
22 citizenship application process and what happens from -- what
23 the considerations are both from UCI -- USCIS standpoint and
24 from the attorney's standpoint advising their client, what the
25 process is from application of the filing N-400 to going to the

1 hearing, which is the next step, to what the possibilities are
2 that might happen at a hearing.

3 For instance, we have learned and this is not an area
4 that Ms. Henry are familiar with, we've never handled a United
5 States Citizenship application before, the jury, we would
6 expect, certainly doesn't know the ins and outs of this, and
7 this is a particular area that specialist practice in, you
8 know, not every general practice attorney does these because it
9 is a particular area --

10 THE COURT: So what are you trying to negate that
11 they have presented?

12 MR. WILSON: They're going to be putting on two
13 Immigration CIS officers who are going to testify from their
14 perspective what goes on. He's going to provide a defense
15 expert perspective on what happens from start to finish.
16 There's such a document, it's called an N-14. It's not used by
17 the service in every citizenship application, it was in this,
18 it's used in some of them. An N-14 is simply a request for
19 more information after the hearing.

20 In this case, as in other cases sometimes, an N-14 is
21 presented to the applicant and his counsel right at the
22 hearing, we need additional information. In this case there
23 were actually two N-14s that were supplied to the defendant
24 regarding his application before they said we need more
25 information before we make a decision and he then -- and we'll

1 hear Mr. Basso testify about this, he presented the additional
2 information.

3 Mr. Britt will ultimately opine that the application
4 process is not complete until the decision is actually made,
5 that supplementary information can be provided at any time up
6 until the time the decision is made.

7 In this case we have a clear step. We have a January
8 2006 application, a January 2009 interview, two N-14s that were
9 sent to Mr. Woewiyu and his lawyer, and a August of 2009
10 response to the second N-14 which is not -- it's sizable, it
11 has about 25 pages to it, and then a decision that wasn't made
12 until a year later, August of 2010.

13 And Mr. Britt will just supply testimony that that's
14 not extraordinary that it happened that way, but he'll opine
15 that the process --

16 THE COURT: Did he present evidence in that period of
17 time?

18 MR. WILSON: Did our client?

19 THE COURT: Yes.

20 MR. WILSON: Yes, he did in August of 2009, Your
21 Honor, and that will be one of the Government's -- it's listed
22 as one of the Government's exhibits --

23 THE COURT: Okay. I thought so.

24 MR. WILSON: -- but if they don't put it in, we'll
25 put it in.

1 THE COURT: No. I mean I recall that, but I just
2 wanted to make -- to verify that that was accurate.

3 MR. WILSON: Yes.

4 MR. WRIGHT: Your Honor, if I may, Your Honor, this
5 isn't the proper topic for expert testimony. He's going to
6 opine about what he believes the process entails. Let me say
7 this from the very beginning and based on the limited
8 information. I happen to know Mr. Britt because we worked
9 together, although I was in the office before him he came to
10 our office in 1991. He has not been a special agent -- he was
11 never an Immigration Services Officer, but he has not been a
12 special agent with INS, within INS since 1990 or thereabouts.

13 So it's been -- and this talk about him being with
14 INS, that was about 28 years ago he was with INS. He was never
15 an Immigration Services Officer and --

16 THE COURT: But is it -- what he's going to testify
17 to is it so, do they have until that period of time?

18 MR. WRIGHT: Well, Your Honor, they may be able to
19 supplement and we have two Immigration Services officers who
20 are going to talk about factually what happened, not opine of
21 what their opinion is should happen. They will talk factually
22 about what happened and what happened with this defendant.

23 It sounds like what they're trying to do is go to an
24 applicable legal defense and say somehow that the oath doesn't
25 make a difference. I mean that's what we're headed towards.

1 What they're trying to say is that it is an open process --

2 THE COURT: Well, I'm not sure of that, let's find
3 out. What's your response to that?

4 MR. WILSON: I'm not sure what Mr. Wright was getting
5 at, Your Honor, but they're going to present --

6 THE COURT: I'm sure what he's getting at.

7 MR. WILSON: -- two officers who --

8 THE COURT: What he's saying is that the oath is the
9 oath, and that is done the first time --

10 MR. WILSON: Well, that's an matter of argument for
11 the jury. And Mr. Britt is not going to say that the oath
12 doesn't matter, that's not what he's going to say at all. He's
13 going to say that the process remains open until the decision
14 is made, and that's not something that's within the ordinary
15 can of a juror. It's something that an expert can talk about.
16 There's -- and he's not relying on his having been an employee
17 of the Immigration Naturalization Service 28 years ago, he's
18 relying on his knowledge that's gathered as an Immigration
19 attorney since the time that he's been in private practice
20 after he left the United States Attorney's Office.

21 THE COURT: Well, wait a second. In order to prove
22 your case, Mr. Wright, do you have to present the -- do you
23 have to present the fact that he was denied citizenship?

24 MR. WRIGHT: Well, that goes to materiality with
25 regard to some of the misrepresentations he made. So -- but,

1 if I may, Your Honor, very respectfully say --

2 THE COURT: Well, then that does -- then you have to
3 go a step further. It's not just what the representation --
4 what you're saying to me is that you need to go forward with
5 -- that it's important that he was denied citizenship. If it
6 was important that he was denied citizenship, then somebody has
7 a right to question that.

8 MR. WRIGHT: Well, if I may say this, Your Honor, it
9 would not change, the position would not change had he not, you
10 know, even if he -- if he -- if they had never rendered a
11 decision. So our decision, although it is conclusive on
12 materiality, you know, the materiality requirement is simply
13 that it's capable of.

14 But if I may, we have two Immigration Services
15 officers who will testify that they did make request for -- one
16 of them made a request for evidence, which is a RFE, and then
17 seven months later another one made a request. And that's just
18 factual. They in fact -- the first one interviewed him. She
19 will talk about what she did during the interview, she will go
20 through the process.

21 THE COURT: Oh, yes, sure.

22 MR. WRIGHT: And then the second one will talk about
23 factually what she looked at including the TRC report and other
24 matters in denying it which in -- the fact that she denied it
25 on some of the bases that were used -- that were the product of

1 his misrepresentations goes to materiality, that's true.

2 I suggest to the Court that it's not necessary and it
3 won't aide the jury to have a lawyer get up and opine about,
4 well, the process remains open. I'm not sure how that's
5 relevant.

6 THE COURT: Well, that's what we're going to find
7 out.

8 MR. WRIGHT: And the reason I say that, Your Honor,
9 is the only way that becomes relevant is if in fact there's
10 some sort of an argument which does not have a legal basis that
11 the oath doesn't make any difference.

12 THE COURT: That's not -- you're obviously thinking
13 it's important or you wouldn't have brought in these witnesses.
14 Let me find out why you think that it's relevant because that
15 does interest me. I don't quite understand.

16 MR. WILSON: Your Honor, Mr. Woewiyu's intent is at
17 the heart of this case, his intent in how he answered these
18 questions. And, obviously, that supplemental response says
19 something about what his intent is because the supplemental
20 response provides a lot more information than what was
21 presented in the application and what was presented in the
22 hearing in front of the -- very brief hearing, Your Honor. I
23 think the testimony is that it was about 15 minutes. That's
24 what we expect.

25 But the -- so the supplement which was a more

1 considered response was made and it's important. It's
2 important for what it was said about -- what it says about what
3 his intent -- did he have an intent to defraud, did he have an
4 intent to mislead anybody because they're not arguing that --
5 they haven't made any allegations that anything that he said in
6 the response was untrue and the jury is going to get to see
7 what that response is. Having heard all the other evidence,
8 they're going to get a chance to see what that response is.

9 And Mr. Britt -- the jury doesn't know how the
10 citizenship application process ordinarily goes, and he has --
11 he has a right to present a defense and he should --

12 THE COURT: Yeah, but it has to be relevant.

13 MR. WILSON: Right. But he shouldn't have to
14 rely -- their witnesses are going to get up and testify and he
15 shouldn't have to rely on what the two Government' witnesses
16 testify about how this process goes or how this process went in
17 this particular situation.

18 The jury should -- the jury could be helped by the
19 testimony of somebody who practices in this area, who, I would
20 suggest, Your Honor, his credentials are very strong --

21 THE COURT: I'm not going to question his
22 credentials, I'm not going to question any of that, only the
23 relevance of his testimony.

24 MR. WILSON: So the relevance is that he's saying how
25 this process goes. He's not going to make -- give an opinion

1 on the ultimate questions in this case.

2 THE COURT: No, I'm not going to let him do that.

3 MR. WILSON: He's just going to give an opinion as to
4 how the process ordinarily goes in a citizenship application.

5 THE COURT: All right.

6 MR. WILSON: What the possibilities are each step of
7 the way, because there are various possibilities each step of
8 the way, and that's what he's going to -- that's what he's
9 going to give an opinion about to the jury, and that's
10 something that would help them, and it's not something that is
11 within their ordinary scope of knowledge, Your Honor, because
12 it's wasn't within Ms. Henry's ordinary scope of knowledge.

13 THE COURT: Well, that's not the issue.

14 MR. WRIGHT: Your Honor, I'd like to say one things,
15 Your Honor, very respectfully. Counsel begin arguing with
16 regard to the importance of Mr. Woewiyu's intent, his intent.
17 Steve Britt has nothing to say at all about his intent.
18 And --

19 THE COURT: Well, their defense seems to be that he
20 really didn't understand what he was -- at least this is what
21 was said in opening, understand what the questions were exactly
22 because they're open to many interpretations, and as I
23 understand the defense, they're saying that -- and first of all
24 for Mr. Britt that it's allowable, and second of all in the
25 follow-ups he did explain in a way that he understands, that's

1 what I -- that's what -- the way he understood the questions.

2 MR. WRIGHT: And that's argument, Your Honor. And
3 that's fine, but what does Mr. Britt have to say.

4 THE COURT: Well, let me see what you present
5 tomorrow -- to me what you're going to present and I will rule.

6 MR. WRIGHT: Thank you, Your Honor.

7 THE COURT: Okay.

8 (Court proceedings adjourned at 4:58 p.m.)

9 * * * * *

C E R T I F I C A T I O N

We, Roxanne Galanti, Sandra Carbonaro, Lois Vitarelli and Ritajean E. Wioncek, court approved transcribers, certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-titled matter.

ROXANNE GALANTI

SANDRA CARBONARO

LOIS VITARELLI

November 4, 2018

RITAJEAN E. WIONCEK

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